

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: October 30, 2008

504460

In the Matter of EFRAIN
A. RODRIGUEZ,
Appellant,
v

MEMORANDUM AND ORDER

GEORGE ALEXANDER, as Chair
of the New York State
Division of Parole,
Respondent.

Calendar Date: September 24, 2008

Before: Mercure, J.P., Carpinello, Rose, Malone Jr. and
Kavanagh, JJ.

Efrain A. Rodriguez, Elmira, appellant pro se.

Andrew M. Cuomo, Attorney General, Albany (David M.
Finkelstein of counsel), for respondent.

Appeal from a judgment of the Supreme Court (Sackett, J.),
entered February 25, 2008 in Albany County, which dismissed
petitioner's application, in a proceeding pursuant to CPLR
article 78, to review a determination of the Board of Parole
denying petitioner's request for parole release.

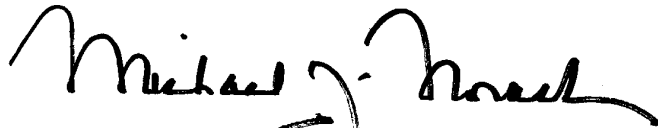
Petitioner commenced this CPLR article 78 proceeding
challenging an August 2006 determination of the Board of Parole
which denied his request for parole release and ordered him held
for an additional 24 months. The Attorney General has advised
this Court that petitioner reappeared before the Board in June
2008 and was again denied parole release. Accordingly, this
appeal must be dismissed as moot (see Matter of Johnson v

Dennison, 53 AD3d 962 [2008]). Contrary to petitioner's claim, the matter at hand does not present an exception to the mootness doctrine (see Matter of Malangone v Dennison, 46 AD3d 1155 [2007]).

Mercure, J.P., Carpinello, Rose, Malone Jr. and Kavanagh, JJ., concur.

ORDERED that the appeal is dismissed, as moot, without costs.

ENTER:



Michael J. Novack
Clerk of the Court