

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

Decided and Entered: December 29, 2011

511930

In the Matter of RADASH AUTAR,
Petitioner,

v

MEMORANDUM AND JUDGMENT

BRIAN FISCHER, as Commissioner
of Corrections and Community
Supervision,
Respondent.

Calendar Date: November 2, 2011

Before: Mercure, Acting P.J., Spain, Malone Jr., Stein and
McCarthy, JJ.

Radash Autar, Dannemora, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Frank Brady
of counsel), for respondent.

Proceeding pursuant to CPLR article 78 (transferred to this
Court by order of the Supreme Court, entered in Albany County) to
review a determination of respondent which found petitioner
guilty of violating a prison disciplinary rule.

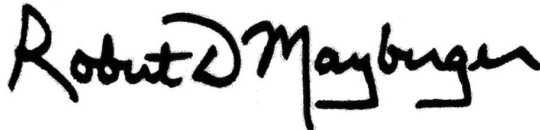
Petitioner commenced this CPLR article 78 proceeding
challenging a determination finding him guilty of violating the
prison disciplinary rule prohibiting inmates from making threats.
The Attorney General has advised this Court that the
determination at issue has been administratively reversed, all
references thereto have been expunged from petitioner's
institutional record and the \$5 mandatory surcharge has been
restored to petitioner's inmate account. In view of this, and
given that petitioner has received all the relief to which he is

entitled, the petition must be dismissed as moot (see Matter of Kairis v Fischer, 86 AD3d 868, 868-869 [2011]; Matter of Charles v Bezio, 80 AD3d 975 [2011]).

Mercure, Acting P.J., Spain, Malone Jr., Stein and
McCarthy, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without
costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court