

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

Decided and Entered: July 5, 2012

511938

In the Matter of HAROLD J.
SCOTT,
Petitioner,
v

MEMORANDUM AND JUDGMENT

ALBERT PRACK, as Acting
Director of Special Housing
and Inmate Disciplinary
Programs,
Respondent.

Calendar Date: May 9, 2012

Before: Mercure, J.P., Lahtinen, Malone Jr., McCarthy and
Egan Jr., JJ.

Harold J. Scott, Elmira, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Marcus J.
Mastracco 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 the Commissioner of Corrections and Community Supervision which found petitioner guilty of violating a prison disciplinary rule.

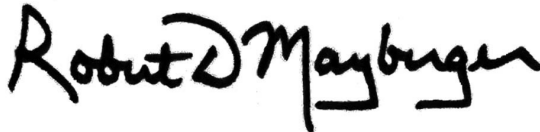
Petitioner commenced this CPLR article 78 proceeding challenging a determination finding him guilty of violating a prison disciplinary rule. The Attorney General has advised this Court that the determination at issue has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge

has been refunded 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 is dismissed as moot (see Matter of Torres v Bezio, 92 AD3d 1053 [2012]; Matter of Calix v Brown, 92 AD3d 1001 [2012]).

Mercure, J.P., Lahtinen, Malone Jr., McCarthy and Egan Jr., 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