

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

Decided and Entered: August 2, 2012

513101

In the Matter of MAURICE
SAMUELS,
Petitioner,
v

MEMORANDUM AND JUDGMENT

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

Calendar Date: June 6, 2012

Before: Peters, P.J., Rose, Spain, Kavanagh and Garry, JJ.

Maurice Samuels, Wallkill, 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 respondent which found petitioner guilty of violating a prison disciplinary rule.

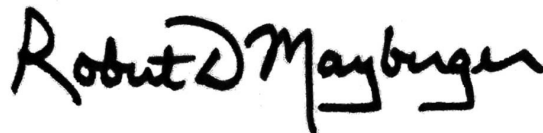
Petitioner commenced this CPLR article 78 proceeding challenging a determination finding him guilty of violating a prison disciplinary rule. The Attorney General has advised this Court that the determination at issue has been administratively reversed, all references thereto expunged from petitioner's institutional record, and the \$5 mandatory surcharge has been refunded to petitioner's inmate account. As petitioner has received all of the relief to which he is entitled, the proceeding is dismissed as moot (see Matter of Torres v Bezio, 92

AD3d 1053 [2012]; Matter of Kalwasinski v Fischer, 92 AD3d 1069, 1069-1070 [2012]).

Peters, P.J., Rose, Spain, Kavanagh and Garry, 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