

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

Decided and Entered: August 2, 2012

513351

In the Matter of LUIS ROSALES,
Appellant,

v

MEMORANDUM AND ORDER

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

Calendar Date: June 6, 2012

Before: Peters, J.P., Lahtinen, Malone Jr., Kavanagh and
McCarthy, JJ.

Luis Rosales, Dannemora, appellant pro se.

Eric T. Schneiderman, Attorney General, Albany (Peter H.
Schiff of counsel), for respondent.

Appeal from a judgment of the Supreme Court (Hayden, J.),
entered April 21, 2011 in Chemung County, which dismissed
petitioner's application, in a proceeding pursuant to CPLR
article 78, to review a determination of the Commissioner of
Corrections and Community Supervision finding petitioner guilty
of violating certain prison disciplinary rules.

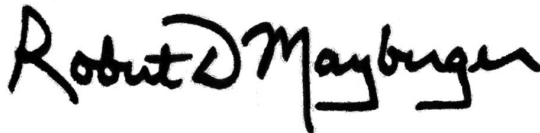
Petitioner was found guilty of violating various prison
disciplinary rules following a tier III hearing. He commenced
this CPLR article 78 proceeding challenging this determination.
Supreme Court dismissed the petition and petitioner appeals. The
Attorney General has advised this Court that the subject
determination 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 appeal is dismissed as moot (see Matter of VanNess v Fischer, 89 AD3d 1248, 1248-1249 [2011]; Matter of Joseph v LaClair, 79 AD3d 1495, 1496 [2010]).

Peters, P.J., Lahtinen, Malone Jr., Kavanagh and McCarthy, JJ., concur.

ORDERED that the appeal 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