

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

Decided and Entered: February 2, 2017

522976

In the Matter of RALIK BAILEY,
Petitioner,

v

ANTHONY J. ANNUCCI, as Acting
Commissioner of Corrections
and Community Supervision,
Respondent.

MEMORANDUM AND JUDGMENT

Calendar Date: November 29, 2016

Before: Garry, J.P., Egan Jr., Rose, Clark and Aarons, JJ.

Ralik Bailey, Dannemora, 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 finding petitioner guilty of violating certain prison disciplinary rules.

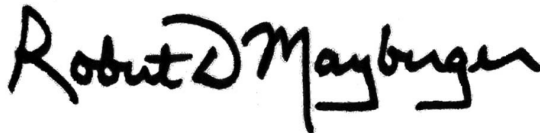
Petitioner commenced this CPLR article 78 proceeding challenging a determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the subject determination has been administratively reversed, all references to the matter have been expunged from petitioner's institutional record and the \$5 mandatory surcharge has been refunded to petitioner's inmate account. In view of this, and given that petitioner has received all of the relief to which he is entitled, the petition is dismissed as moot (see Matter of Flood v Prack, 141 AD3d 1070,

1070-1071 [2016]). We note that any good time lost by petitioner as a result of the disciplinary determination must also be restored (see Matter of Zoccoli v Annucci, 140 AD3d 1512, 1513 [2016]). Finally, because the record demonstrates that petitioner was assessed a \$15 reduced filing fee, he is entitled to a refund of that amount (see Matter of Rodriguez v Prack, 142 AD3d 1235 [2016]).

Garry, J.P., Egan Jr., Rose, Clark and Aarons, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$15.

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