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

Decided and Entered: December 7, 2017 523318

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In the Matter of JULIO NOVA, Petitioner,

v

MEMORANDUM AND JUDGMENT

DONALD VENETTOZZI, as Acting Director of Special Housing and Inmate Disciplinary Programs,

Respondent.

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Calendar Date: October 24, 2017

Before: McCarthy, J.P., Rose, Clark, Aarons and Pritzker, JJ.

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Julio Nova, Comstock, petitioner pro se.

 $\label{eq:constraint} \begin{array}{lll} & \text{Eric T. Schneiderman, Attorney General, Albany (Marcus J. \\ & \text{Mastracco of counsel), for respondent.} \end{array}$ 

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 finding petitioner guilty of violating a prison disciplinary rule.

Petitioner commenced this CPLR article 78 proceeding to challenge a tier III disciplinary determination finding him guilty of violating a prison disciplinary rule. The Attorney General has advised this Court that the determination has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the \$5 mandatory surcharge has been refunded to his inmate account. Petitioner has received all of the relief to which he is

entitled, and therefore we dismiss the petition as moot ( $\underline{\text{see}}$  Matter of Arriaga v Capra, 153 AD3d 1542, 1542 [2017]; Matter of Robinson v Prack, 137 AD3d 1452, 1452 [2016]).

 $\mbox{McCarthy},\mbox{ J.P.},\mbox{ Rose},\mbox{ Clark},\mbox{ Aarons and Pritzker},\mbox{ JJ.},\mbox{ concur.}$ 

 $\ensuremath{\mathsf{ADJUDGED}}$  that the petition is dismissed, as moot, without costs.

ENTER:

Robert D. Mayberger Clerk of the Court