

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

Decided and Entered: July 27, 2017

523516

In the Matter of COREY HARRIS,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: June 12, 2017

Before: Peters, P.J., Garry, Lynch, Clark and Rumsey, JJ.

Corey Harris, Malone, 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 finding petitioner guilty of violating certain prison disciplinary rules.

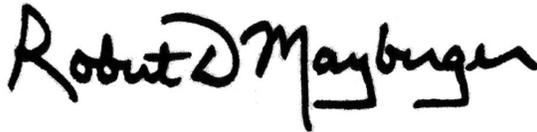
Petitioner commenced this CPLR article 78 proceeding to challenge a prison disciplinary determination rendered following a tier III hearing. The Attorney General has advised this Court that the determination at issue has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge has been refunded to petitioner's inmate account. In light of this, and given that petitioner has received all the relief to which he is entitled, the matter must be dismissed as moot (see

Matter of Ellison v Annucci, 149 AD3d 1361, 1361 [2017]). The record discloses that petitioner was assessed a \$15 reduced filing fee, and he is therefore entitled to a refund of that amount (see Matter of Cendales v Sheahan, 146 AD3d 1260, 1261 [2017]).

Peters, P.J., Garry, Lynch, Clark and Rumsey, 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