

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

Decided and Entered: July 6, 2017

523742

In the Matter of JUAN SERRANO,
Petitioner,

v

MEMORANDUM AND JUDGMENT

JOSEPH T. SMITH, as
Superintendent of Shawangunk
Correctional Facility,
Respondent.

Calendar Date: May 9, 2017

Before: Peters, P.J., Egan Jr., Lynch, Devine and Clark, JJ.

Juan Serrano, 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 the Commissioner of Corrections and Community Supervision finding petitioner guilty of violating certain prison disciplinary rules.

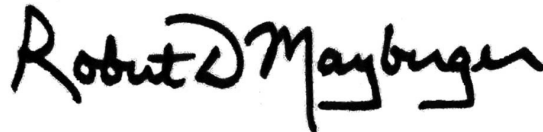
Petitioner commenced this CPLR article 78 proceeding challenging a tier III determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination has since been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge has been refunded to petitioner's inmate account. In view of this, and given that petitioner has been granted all the relief to which he is entitled, the petition must be

dismissed as moot (see Matter of Moore v Annucci, 148 AD3d 1445, 1446 [2017]).

Peters, P.J., Egan Jr., Lynch, Devine and Clark, 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