

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

Decided and Entered: May 17, 2018

525532

In the Matter of BENEDICT
TORRES,
Petitioner,
v

MEMORANDUM AND JUDGMENT

ANTHONY L. POLIZZI, as Hearing
Officer, et al.,
Respondents.

Calendar Date: April 3, 2018

Before: McCarthy, J.P., Egan Jr., Devine, Clark and Rumsey, JJ.

Benedict Torres, Medina, petitioner pro se.

Barbara D. Underwood, Acting Attorney General, Albany
(Marcus J. Mastracco of counsel), for respondents.

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 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 tier III disciplinary determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination has been administratively reversed and all references thereto have been expunged from petitioner's institutional record. Inasmuch as petitioner has been granted all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Weston v Annucci, 156 AD3d 1012, 1013 [2017]; Matter of

Buggsward v Rodriguez, 155 AD3d 1194, 1194-1195 [2017]).

McCarthy, J.P., Egan Jr., Devine, Clark and Rumsey, JJ.,
concur.

ADJUDGED that the petition 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