

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

Decided and Entered: September 27, 2018

526131

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In the Matter of ROBERT BROWN,  
Appellant,

v

MEMORANDUM AND ORDER

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

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Calendar Date: August 6, 2018

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

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Robert Brown, Alden, appellant pro se.

Barbara D. Underwood, Attorney General, Albany (Martin A. Hotvet of counsel), for respondent.

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Appeal from a judgment of the Supreme Court (Mott, J.), entered December 18, 2017 in Albany County, which dismissed petitioner's application, in a proceeding pursuant to CPLR article 78, to compel the expungement of certain information from petitioner's institutional record.

Petitioner, a prison inmate, commenced this CPLR article 78 proceeding seeking to compel the expungement of a particular disciplinary determination from his institutional record. Supreme Court dismissed the petition, prompting this appeal. The Attorney General has advised this Court that the challenged disciplinary determination has been administratively reversed,

all references thereto have been expunged from petitioner's institutional record and the mandatory surcharge has been refunded to petitioner's inmate account. Given that petitioner has received all of the relief to which he is entitled, this appeal must be dismissed as moot (see Matter of Liggan v Rodriguez, 163 AD3d 1386, 1387 [2018]; Matter of Hogan v Annucci, 162 AD3d 1418, 1418 [2018]). As the record reflects that petitioner paid a reduced filing fee of \$15 and he has requested reimbursement thereof, we grant petitioner's request for that amount.

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

ORDERED that the appeal 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