

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

Decided and Entered: January 23, 2020

528541

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In the Matter of THOMAS KING,  
Petitioner,

v

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

MEMORANDUM AND JUDGMENT

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Calendar Date: January 3, 2020

Before: Clark, J.P., Mulvey, Devine, Aarons and Pritzker, JJ.

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Thomas King, Wallkill, petitioner pro se.

Letitia James, Attorney General, Albany (Marcus J. Mastracco of counsel), for respondent.

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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 challenging 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

mandatory \$5 surcharge has been refunded to petitioner's inmate account. Given that petitioner has received all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Hamilton v Annucci, 171 AD3d 1385, 1385 [2019]; Matter of Haigler v Lilley, 170 AD3d 1411, 1411-1412 [2019]). 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. Petitioner's request for further reimbursements is denied.

Clark, J.P., Mulvey, Devine, Aarons and Pritzker, 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