

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

Decided and Entered: January 23, 2020

529361

In the Matter of DARREN
BREEDEN,
Petitioner,

v

MEMORANDUM AND JUDGMENT

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION,
Respondent.

Calendar Date: January 3, 2020

Before: Egan Jr., J.P., Lynch, Mulvey, Aarons and Reynolds
Fitzgerald, JJ.

Darren Breedon, Woodbourne, petitioner pro se.

Letitia James, 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 Sullivan County) to review a determination of the Superintendent of Woodbourne Correctional Facility finding petitioner guilty of violating a prison disciplinary rule.

Petitioner commenced this CPLR article 78 proceeding to challenge a tier II 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. As petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Brown v New York State Dept. of Corr. & Community Supervision, 175 AD3d 1715, 1715 [2019]; Matter of Mercer v Annucci, 173 AD3d 1595, 1596 [2019]).

Egan Jr., J.P., Lynch, Mulvey, Aarons and Reynolds
Fitzgerald, 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