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

Decided and Entered: March 16, 2020   529676
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In the Matter of ANTHONY
    ARRIAGA,
                        Petitioner,

           v   MEMORANDUM AND JUDGMENT

MARIO PANZARELLA, as
    Hearing Officer, et al.,
                        Respondents.
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Calendar Date: February 7, 2020

Before: Garry, P.J., Egan Jr., Clark, Reynolds Fitzgerald and
         Colangelo, JJ.

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        Anthony Arriaga, Ossining, petitioner pro se.

        Letitia James, Attorney General, Albany (Martin A. Hotvet
of counsel), for respondents.

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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 respondent Superintendent
of Sing Sing Correctional Facility finding petitioner guilty of
violating certain prison disciplinary rules.

        Petitioner commenced this CPLR article 78 proceeding to
challenge a prison disciplinary determination. The Attorney
General has advised this Court that the determination at issue
has been administratively reversed and all references thereto

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have been expunged from petitioner's institutional record.[1]
Given that petitioner has received all of the relief to which he
is entitled, the petition must be dismissed as moot (see Matter
of Jiminez v Annucci, 178 AD3d 1231, 1231 [2019]; Matter of
Brown v New York State Dept. of Corr. & Community Supervision,
175 AD3d 1715, 1715 [2019]). Although petitioner also requests
that he be returned to his placement in the earned housing unit,
he is not entitled to such relief (see Matter of Kielly v New
York State Dept. of Corr. & Community Supervision, 177 AD3d
1051, 1051 [2019]; Matter of Mercado v Annucci, 172 AD3d 1844,
1845 [2019]).

        Garry, P.J., Egan Jr., Clark, Reynolds Fitzgerald and
Colangelo, JJ., concur.

        ADJUDGED that the petition is dismissed, as moot, without
costs.

                            ENTER:

                            Robert D. Mayberger
                            Robert D. Mayberger
                            Clerk of the Court

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        [1] The Attorney General has also indicated that the $5
mandatory surcharge, which would ordinarily be refunded, was not
deducted from petitioner's inmate account.