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

Decided and Entered: September 28, 2017 524233

In the Matter of ANTHONY ARRIAGA,

Petitioner,

 \mathbf{v}

MEMORANDUM AND JUDGMENT

MICHAEL CAPRA, as Superintendent of Sing Sing Correctional Facility, Respondent.

Calendar Date: August 7, 2017

Before: Peters, P.J., Egan Jr., Clark, Mulvey and Pritzker, JJ.

Anthony Arriaga, Ossining, petitioner pro se.

Eric T. Schneiderman, 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 Albany County) to review a determination of respondent finding petitioner guilty of violating certain prison disciplinary rules.

Petitioner commenced this CPLR article 78 proceeding challenging a tier II determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination has since 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. In view of this, petitioner has been granted all the relief to which he is entitled and the petition must be dismissed as moot

Peters, P.J., Egan Jr., Clark, Mulvey and Pritzker, JJ., concur.

 $\ensuremath{\mathsf{ADJUDGED}}$ that the petition is dismissed, as moot, without costs.

ENTER:

Robert D. Mayberger Clerk of the Court