

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

Decided and Entered: January 25, 2018

525189

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In the Matter of LADALE  
KENNEDY,  
Petitioner,  
v

MEMORANDUM AND JUDGMENT

ANTHONY J. ANNUCCI, as Acting  
Commissioner of Corrections  
and Community Supervision,  
Respondent.

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Calendar Date: December 13, 2017

Before: Egan Jr., J.P., Lynch, Clark, Aarons and Pritzker, JJ.

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Ladale Kennedy, Auburn, petitioner pro se.

Eric T. Schneiderman, 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 respondent finding petitioner guilty of violating certain prison disciplinary rules.

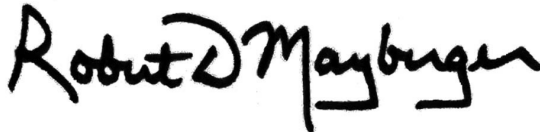
Petitioner commenced this CPLR article 78 proceeding to challenge a tier III disciplinary determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the \$5 mandatory surcharge has been refunded to his inmate account. We note that the one month loss of good time incurred as part of the penalty imposed should also be restored (see Matter of Habeeb v

Annucci, 153 AD3d 1497, 1497 [2017]). Otherwise, petitioner has received all of the relief to which he is entitled, and therefore we dismiss the petition as moot (see Matter of Arriaga v Capra, 153 AD3d 1542, 1542 [2017]; Matter of Robinson v Prack, 137 AD3d 1452, 1452 [2016]).

Egan Jr., J.P., Lynch, Clark, Aarons and Pritzker, 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