

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

Decided and Entered: November 25, 2020

530092

In the Matter of RONALD
SNYDER,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: November 13, 2020

Before: Garry, P.J., Lynch, Clark, Mulvey and Devine, JJ.

Ronald Snyder, Collins, petitioner pro se.

Letitia James, Attorney General, Albany (Kate H. Nepveu 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 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

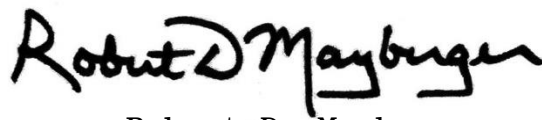
mandatory \$5 surcharge will be refunded to petitioner's inmate account.¹ "To the extent that petitioner seeks to be restored to the status that he enjoyed prior to the disciplinary determination, he is not entitled to such relief, as inmates have no constitutional or statutory right to their prior housing or programming status" (Matter of Watkins v New York State Dept. of Corr. & Community Supervision, 171 AD3d 1383, 1383 [2019] [internal quotation marks and citations omitted]; accord Matter of Mercado v Annucci, 172 AD3d 1844, 1845 [2019]). Accordingly, and as petitioner otherwise has received all of the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Mercado v Annucci, 172 AD3d at 1845; Matter of Ortiz v Venettozzi, 167 AD3d 1200, 1201 [2015]).

Garry, P.J., Lynch, Clark, Mulvey and Devine, JJ., concur.

¹ The materials annexed to the Attorney General's correspondence indeed document the administrative reversal, but the copy of petitioner's institutional record provided nonetheless appears to reference the challenged determination. To the extent that respondent has yet to expunge such determination from petitioner's disciplinary record and/or refund the mandatory surcharge, respondent is directed to take this corrective action (see Matter of Anselmo v Annucci, 173 AD3d 1583, 1584 [2019]).

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