

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

Decided and Entered: December 10, 2020

530893

In the Matter of VINOD PATEL,
Petitioner,

v

DONALD VENETTOZZI, as Acting
Director of Special Housing
and Inmate Disciplinary
Programs,
Respondent.

MEMORANDUM AND JUDGMENT

Calendar Date: November 13, 2020

Before: Mulvey, J.P., Arons, Pritzker, Reynolds Fitzgerald and
Colangelo, JJ.

Vinod Patel, Woodbourne, 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 the Commissioner of
Corrections and Community Supervision finding petitioner guilty
of violating a prison disciplinary rule.

Petitioner commenced this CPLR article 78 proceeding
challenging a tier III 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. Because petitioner has received all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Olukotun-Williams v Annucci, 185 AD3d 1368, 1369 [2020]; Matter of Urena v Keyser, 185 AD3d 1368, 1368 [2020]). As the record reflects that petitioner was ordered to pay a reduced filing fee of \$35, and he has requested reimbursement thereof, we grant petitioner's request for that amount (see Matter of Olukotun-Williams v Annucci, 185 AD3d at 1369).

Mulvey, J.P., Aarons, Pritzker, Reynolds Fitzgerald and Colangelo, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$35.

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