

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

Decided and Entered: May 13, 2021

532174

In the Matter of ANDRE HARRIS,
Petitioner,

v

JAIFA COLLADO, as
Superintendent of
Shawangunk Correctional
Facility,
Respondent.

MEMORANDUM AND JUDGMENT

Calendar Date: April 16, 2021

Before: Garry, P.J., Clark, Aarons, Pritzker and
Reynolds Fitzgerald, JJ.

Andre Harris, Wallkill, 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 Ulster
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 II 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 petitioner's inmate account. In view of this, and given that petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Upson v Rich 190 AD3d 1182, 1182 [2021]; Matter of Dibble v Venettozzi, 181 AD3d 1139, 1139 [2020]). As the record reflects that petitioner was ordered to pay a reduced filing fee of \$15 and has paid \$6.40 in other expenses associated with this proceeding, and he has requested reimbursement thereof, we grant petitioner's request for that amount.

Garry, P.J., Clark, Aarons, Pritzker and Reynolds
Fitzgerald, J.J., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$21.40.

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