

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

Decided and Entered: July 22, 2021

532758

---

In the Matter of NEFTALY  
DOMINGUEZ,  
Petitioner,

v

MEMORANDUM AND JUDGMENT

ROSEMARIE WENDLAND, as  
Superintendent of Ulster  
Correctional Facility,  
Respondent.

---

Calendar Date: June 17, 2021

Before: Garry, P.J., Lynch, Clark, Reynolds Fitzgerald and  
Colangelo, JJ.

---

Neftaly Dominguez, Napanoch, 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  
challenging 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 Shepherd v Annucci, 193 AD3d 1134, 1134 [2021]; Matter of Jefferies v New York State Dept. of Corr. & Community Supervision, 190 AD3d 1250, 1250 [2021]).

Garry, P.J., Lynch, Clark, Reynolds Fitzgerald and Colangelo, 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