

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

Decided and Entered: September 30, 2021

532831

In the Matter of MICHAEL
DELGADO,
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: September 3, 2021

Before: Garry, P.J., Egan Jr., Lynch, Pritzker and Reynolds
Fitzgerald, JJ.

Michael Delgado, Attica, 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 Superintendent of
Attica Correctional Facility finding petitioner guilty of
violating a prison disciplinary rule.

Petitioner commenced this CPLR article 78 proceeding
challenging a determination finding him guilty of refusing a
direct order. The Attorney General has advised this Court that
the determination has been administratively reversed, all
references thereto expunged from petitioner's institutional

record and the mandatory \$5 surcharge refunded to petitioner's account. As petitioner has received all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Blanchard v Venettozzi, 194 AD3d 1295, 1295 [2021]). As the record reflects that petitioner was ordered to pay a reduced filing fee of \$15, and he has requested reimbursement thereof, we grant petitioner's request for that amount (see Matter of Torres v Venettozzi, 186 AD3d 1855, 1855 [2020]).

Garry, P.J., Egan Jr., Lynch, Pritzker and Reynolds
Fitzgerald, J.J., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$15.

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