

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

Decided and Entered: December 16, 2021

533441

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In the Matter of CORDARISE  
HOUSTON,  
Petitioner,

v

MEMORANDUM AND JUDGMENT

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

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Calendar Date: November 12, 2021

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

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Cordarise Houston, Elmira, petitioner pro se.

Letitia James, Attorney General, Albany (Kate H. Nepveu of  
counsel), for respondent.

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Proceeding pursuant to CPLR article 78 (transferred to  
this Court by order of the Supreme Court, entered in Chemung  
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 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 \$5 mandatory surcharge was not deducted from petitioner's inmate account. To the extent that petitioner seeks to be restored to the honor block where he was housed prior to the disciplinary determination, "he is not entitled to such relief, as [incarcerated individuals] have no constitutional or statutory right to their prior housing or programming status" (Matter of Snyder v Annucci, 188 AD3d 1531, 1532 [2020] [internal quotation marks and citation omitted]). Accordingly, given that petitioner has received all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Loccenitt v Annucci, 196 AD3d 993, 993 [2021]; 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 Blanchard v Venettozzi, 194 AD3d at 1295).

Garry, P.J., Lynch, Clark, Aarons and Reynolds Fitzgerald, JJ., 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