Decided and Entered: July 21, 2022   534811
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In the Matter of CRAIG MELVIN,
                      Petitioner,

        v
                                              MEMORANDUM AND ORDER

BRIAN McAULIFFE, as
    Superintendent of Riverview
    Correctional Facility,
                      Respondent.
_____

Calendar Date: June 17, 2022

Before: Egan Jr., J.P., Clark, Ceresia, Fisher and McShan, JJ.

                      _____

        Craig Melvin, Ray Brook, 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 respondent finding
petitioner guilty of violating a prison disciplinary rule.

        Petitioner commenced this CPLR article 78 proceeding
challenging a tier II 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
institutional account. To the extent that petitioner requests

that he be restored to the status he enjoyed prior to the
disciplinary proceeding, petitioner is not entitled to such
relief (see Matter of Jeffreys v New York State Dept. of Corr. &
Community Supervision, 199 AD3d 1155, 1155 [2021]; Matter of
Loccenitt v Annucci, 196 AD3d 993, 993 [2021]). As petitioner
has received all of the relief to which he is entitled, the
petition must be dismissed as moot (see Matter of Houston v
Annucci, 200 AD3d 1387, 1387 [2021]; Matter of Jeffreys v New
York State Dept. of Corr. & Community Supervision, 199 AD3d at
1155).

        Egan Jr., J.P., Clark, Ceresia, Fisher and McShan, JJ.,
concur.

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

                    ENTER:

                    Robert D. Mayberger
                    Clerk of the Court