

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

Decided and Entered: July 21, 2022

534817

In the Matter of BERNARD
PATTERSON,
Petitioner,

v

MEMORANDUM AND JUDGMENT

WILLIAM KEYSER, as
Superintendent of Sullivan
Correctional Facility,
Respondent.

Calendar Date: June 17, 2022

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

Bernard Patterson, Romulus, 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 \$5
mandatory surcharge has been refunded to petitioner's

institutional account. Given that petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Stubbs v Venettozzi, 204 AD3d 1215, 1215 [2022]; Matter of Shepherd v Annucci, 193 AD3d 1134, 1134 [2021]). As the record reflects that petitioner paid a reduced filing fee of \$50, and he has requested reimbursement thereof, we grant petitioner's request for that amount (see Matter of Houston v Annucci, 200 AD3d 1387, 1387 [2021]).

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 \$50.

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