

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

Decided and Entered: July 28, 2022

534874

In the Matter of JEFFREY
MORGAN,
Petitioner,

v

MEMORANDUM AND JUDGMENT

ANTHONY RODRIGUEZ, as Acting
Director of Special Housing
and Inmate Disciplinary
Programs,
Respondent.

Calendar Date: June 17, 2022

Before: Aarons, J.P., Reynolds Fitzgerald, Ceresia, Fisher and
McShan, JJ.

Jeffrey Morgan, Sonyea, 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 St.
Lawrence County) to review a determination of the Acting
Commissioner of Corrections and Community Supervision finding
petitioner guilty of violating a prison disciplinary rule.

Petitioner commenced this CPLR article 78 proceeding
challenging a tier III disciplinary hearing finding that he
violated a prison disciplinary rule. The Attorney General has
advised this Court that the determination at issue has been

administratively reversed, all references thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge will be restored to petitioner's account. Although petitioner seeks to be restored to the programs status he enjoyed prior to the disciplinary proceeding, "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 Houston v Annucci, 200 AD3d 1387, 1387 [2021] [internal quotation marks, brackets and citations omitted]; see Matter of Barrera v Panzarella, 185 AD3d 1362, 1362 [2020]). As petitioner has received all the relief to which he is entitled, the matter is dismissed as moot (see Matter of Tucker v Annucci, 204 AD3d 1286, 1287 [2022]; Matter of Key v State of N.Y. Dept. of Corr. & Community Supervision, 203 AD3d 1374, 1374 [2022]).

Aarons, J.P., Reynolds Fitzgerald, Ceresia, Fisher and McShan, 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