

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

Decided and Entered: February 9, 2023

535543

In the Matter of KOURIOCKIEN
VANN,
Petitioner,
v

MEMORANDUM AND JUDGMENT

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

Calendar Date: January 6, 2023

Before: Egan Jr., J.P., Lynch, Clark, Aarons and Ceresia, JJ.

Kouriockien Vann, Fallsburg, 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 Sullivan 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 II 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 has been refunded to petitioner's inmate account. In view of this, and given that petitioner has received all of the entitled

relief, the petition must be dismissed as moot (*see Matter of Dominguez v Wendland*, 196 AD3d 991, 991 [3d Dept 2021]; *Matter of Shepherd v Annucci*, 193 AD3d 1134, 1134 [3d Dept 2021]). As the record reflects that petitioner paid a reduced filing fee of \$15 and has requested a refund thereof, we grant such request and direct respondent to reimburse him that amount (*see Matter of Nunez v Venettozzi*, 210 AD3d 1170, 1171 [3d Dept 2022]).

Egan Jr., J.P., Lynch, Clark, Aarons and Ceresia, 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