

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

Decided and Entered: September 28, 2023

535815

In the Matter of LEONARDO
VALDEZ-CRUZ,
Petitioner,

v

JAIFA COLLADO, as Superintendent
of Shawangunk Correctional
Facility,
Respondent.

MEMORANDUM AND JUDGMENT

Calendar Date: September 1, 2023

Before: Egan Jr., J.P., Clark, Pritzker, McShan and Mackey, JJ.

Leonardo Valdez-Cruz, Stormville, 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 Ulster 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 account. To the extent that petitioner seeks to be restored to the status he enjoyed prior to

the disciplinary determination, he is not entitled to that relief (*see Matter of Iverson v Annucci*, 215 AD3d 1145, 1145 [3d Dept 2023]). Given that petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (*see Matter of Perkins v Annucci*, 216 AD3d 1388, 1388-1389 [3d Dept 2023]; *Matter of Tucker v Annucci*, 204 AD3d 1286, 1287 [3d Dept 2022]).

Egan Jr. J.P., Clark, Pritzker, McShan and Mackey, 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