

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

Decided and Entered: May 16, 2024

CV-23-0470

In the Matter of AMIN BOOKER,
Petitioner,

v

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

MEMORANDUM AND JUDGMENT

Calendar Date: April 19, 2024

Before: Egan Jr., J.P., Lynch, Ceresia, McShan and Mackey, JJ.

Amin Booker, Wallkill, 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 the Acting Commissioner of Corrections and Community Supervision finding petitioner guilty of violating certain prison disciplinary rules.

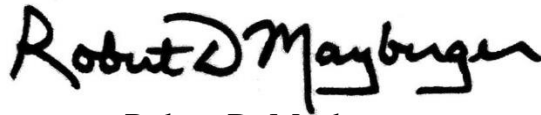
Petitioner commenced this CPLR article 78 proceeding challenging a tier III disciplinary determination finding him guilty of violating various prison disciplinary rules. The Attorney General has advised this Court that the underlying determination has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the mandatory \$5 surcharge will be refunded to petitioner's account. Petitioner has received all of the relief to which he is entitled and, as

such, this proceeding is dismissed as moot (*see Matter of Jude v Rodriguez*, 224 AD3d 1034, 1034-1035 [3d Dept 2024]; *Matter of Windley v Rodriguez*, 224 AD3d 983, 983-984 [3d Dept 2024]). As the record reflects that petitioner paid a filing fee of \$305 and \$11.03 in postage and has requested reimbursement thereof, we grant petitioner's request and direct respondent to reimburse him for that amount (*see Matter of Jude v Rodriguez*, 224 AD3d at 1035).

Egan Jr., J.P., Lynch, Ceresia, McShan and Mackey, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$316.03.

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