

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

Decided and Entered: March 14, 2024

CV-23-1258

In the Matter of ALONZO ROSS,
Petitioner,

v

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

MEMORANDUM AND JUDGMENT

Calendar Date: February 9, 2024

Before: Garry, P.J., Aarons, Reynolds Fitzgerald, McShan and Powers, JJ.

Alonzo Ross, 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 Albany 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 seeking to challenge a tier III 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 has been refunded to petitioner's account. Given that petitioner has received all of the relief to which he is entitled, this

proceeding is dismissed as moot (*see Matter of Perkins v Annucci*, 216 AD3d 1388, 1388 [3d Dept 2023]; *Matter of Harrell v Annucci*, 208 AD3d 1533, 1533 [3d Dept 2022]).

Garry, P.J., Aarons, Reynolds Fitzgerald, McShan and Powers, 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