

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

Decided and Entered: July 25, 2024

CV-23-1468

In the Matter of JESSIE ENGLER,
Petitioner,

v

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

MEMORANDUM AND JUDGMENT

Calendar Date: June 14, 2024

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

Jessie Engler, Romulus, 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 to challenge a tier III disciplinary determination finding that he had violated certain prison disciplinary rules. 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 has been refunded to petitioner's account. Petitioner has received all of the relief to which he is entitled and, therefore, this

matter is dismissed as moot (*see Matter of Vann v Keyser*, 213 AD3d 1068, 1068 [3d Dept 2023]; *Matter of Nunez v Venettozzi*, 210 AD3d 1170, 1170 [3d Dept 2022]). As the record reflects that petitioner paid a reduced filing fee of \$15 and has requested reimbursement thereof, we grant petitioner's request and direct respondent to reimburse him that amount (*see Matter of Jude v Rodriguez*, 224 AD3d 1034, 1035 [3d Dept 2024]).

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 \$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