

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

Decided and Entered: March 13, 2025

CV-24-0527

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In the Matter of ZAIRE PAIGE,  
Petitioner,

v

MEMORANDUM AND JUDGMENT

THOMAS McGUINNESS, as  
Superintendent of Shawangunk  
Correctional Facility, et al.,  
Respondents.

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Calendar Date: February 7, 2025

Before: Aarons, J.P., Lynch, Ceresia, McShan and Powers, JJ.

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*Zaire Paige*, Wallkill, petitioner pro se.

*Letitia James*, Attorney General, Albany (*Kate H. Nepveu* of counsel), for respondents.

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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 Superintendent of Shawangunk Correctional Facility finding petitioner guilty of violating certain prison disciplinary rules.

Petitioner commenced this CPLR article 78 proceeding to challenge a tier II determination finding him guilty of violating certain prison disciplinary rules. The Attorney General has advised this Court that the determination has since 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. In view of this, and given that petitioner has been granted all the relief to which

he is entitled, the petition must be dismissed as moot (*see Matter of Nipitella v Annucci*, 228 AD3d 1217, 1217-1218 [3d Dept 2024]; *Matter of Booker v Rodriguez*, 227 AD3d 1251, 1251 [3d Dept 2024]). Because the record reflects that petitioner paid a filing fee of \$15 and he has requested a refund thereof, we grant petitioner's request and direct respondents to reimburse him that amount (*see Matter of Engles v Rodriguez*, 229 AD3d 1030, 1030 [3d Dept 2024]).

Aarons, J.P., Lynch, Ceresia, McShan and Powers, 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