

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

Decided and Entered: March 20, 2025

CV-24-1511

In the Matter of TRAVAIL
MADISON,
Petitioner,
v

MEMORANDUM AND JUDGMENT

DANIEL F. MARTUSCELLO III, as
Commissioner of Corrections
and Community Supervision,
et al.,
Respondents.

Calendar Date: February 7, 2025

Before: Garry, P.J., Pritzker, Lynch, Ceresia and Mackey, JJ.

Travail Madison, Moravia, petitioner pro se.

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

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 respondent 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 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 mandatory \$5 surcharge has been refunded to petitioner's inmate account. "Further, to the extent that he seeks such relief, petitioner is not entitled to be restored to the status he enjoyed prior to the disciplinary determination" (*Matter of Herbert v Venettozzi*, 162 AD3d 1454, 1455 [3d Dept 2018] [internal quotation marks and citations omitted]; see *Matter of Hamilton v Annucci*, 171 AD3d 1385, 1385 [3d Dept 2019]). Accordingly, as petitioner has received all of the relief to which he is entitled in this proceeding, the petition must be dismissed as moot (see *Matter of Warmus v Kaplan*, 133 AD3d 1026, 1027 [3d Dept 2015]).

As a final matter, petitioner requests that he be reimbursed \$58.97 for disbursements in connection with this proceeding. A review of the record confirms that petitioner paid a reduced filing fee of \$15, as well as \$50.27 in disbursements related to the proceeding. Accordingly, we grant petitioner's motion requesting reimbursement in the amount of \$65.27 and direct respondents to reimburse him that amount (see *Matter of Jeffreys v New York State Dept. of Corr. & Community Supervision*, 199 AD3d 1155, 1155 [3d Dept 2021]; *Matter of Hogan v Annucci*, 162 AD3d 1418, 1418 [3d Dept 2018]; *Matter of Farrell v Annucci*, 155 AD3d 1197, 1198 [3d Dept 2017]).

Garry, P.J., Pritzker, Lynch, Ceresia and Mackey, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$65.27.

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