

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

Decided and Entered: December 4, 2025

CV-25-0869

In the Matter of CLARENCE
EVANS,

Petitioner,

v

MEMORANDUM AND JUDGMENT

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

Calendar Date: November 14, 2025

Before: Pritzker, J.P., Lynch, Fisher, Powers and Mackey, JJ.

Clarence Evans, Dannemora, 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 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 that he violated various 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. In view of this, and given that petitioner has received all of the relief to which he is entitled, the petition is dismissed as moot (*see Matter of Leonard v Titus*, 239 AD3d 1132, 1132 [3d Dept 2025]; *Matter of Acevedo v Annucci*, 237 AD3d 1331, 1331 [3d Dept 2025]). 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 Bruno v Martuscello*, 237 AD3d 1403, 1403 [3d Dept 2025]; *Matter of Engles v Rodriguez*, 229 AD3d 1030, 1030 [3d Dept 2024]). We have considered petitioner's remaining contentions and have found them to be without merit or rendered academic.

Pritzker, J.P., Lynch, Fisher, Powers 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, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large initial "R" and a stylized "M".

Robert D. Mayberger
Clerk of the Court