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

Decided and Entered: November 6, 2014 518742

In the Matter of NICOLE RADUNS,
Petitioner,
v MEMORANDUM AND JUDGMENT

ALBERT PRACK, as Director of Special Housing and Inmate Disciplinary Programs, et al.,
Respondents.

Calendar Date: September 16, 2014

Before: Peters, P.J., McCarthy, Rose, Lynch and Devine, JJ.

Nicole Raduns, Albion, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Marcus J. Mastracco 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 the Commissioner of Corrections and Community Supervision which found petitioner guilty of violating a prison disciplinary rule.

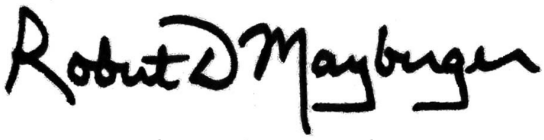
Petitioner commenced this CPLR article 78 proceeding challenging a prison disciplinary determination. The Attorney General has advised this Court that the determination at issue has been reversed, all references thereto have been expunged from petitioner's institutional record and the $5 mandatory surcharge has been refunded to petitioner's inmate account. Petitioner is not entitled to be restored to the status she enjoyed prior to the disciplinary determination (see Matter of Herring v Prack,

118 AD3d 1200, 1200 [2014]; Matter of Burt v Connolly, 116 AD3d 1283, 1283 [2014]). In view of this and given that petitioner has received all of the relief to which she is entitled, the matter is dismissed as moot (see Matter of Scott v Fischer, 119 AD3d 1307, 1307 [2014]; Matter of Hughes v Venettozzi, 117 AD3d 1248, 1248-1249 [2014]).

Peters, P.J., McCarthy, Rose, Lynch and Devine, JJ., concur.

ADJUDGED that the petition is dismissed, as moot, without costs.

ENTER:



Robert D. Mayberger
Clerk of the Court