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

Decided and Entered: June 25, 2015 519884

In the Matter of GEOFFREY HOLGATE,
Petitioner,
v
MEMORANDUM AND JUDGMENT
ALBERT PRACK, as Director of Special Housing and Inmate Disciplinary Programs,
Respondent.

Calendar Date: May 5, 2015

Before: Lahtinen, J.P., Garry, Devine and Clark, JJ.

Geoffrey Holgate, Beacon, petitioner pro se.

Eric T. Schneiderman, Attorney General, Albany (Peter H. Schiff 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 which found petitioner guilty of violating certain prison disciplinary rules.

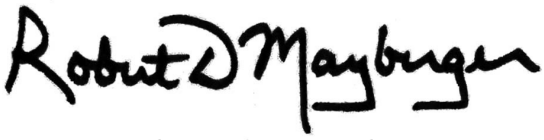
Petitioner, an inmate, commenced this CPLR article 78 proceeding to challenge a determination rendered after a tier III disciplinary hearing. The Attorney General has advised this Court that the determination has been administratively reversed, all references thereto have been expunged from petitioner's institutional record and the $5 mandatory surcharge has been refunded to petitioner's inmate account. In view of this, and given that petitioner has received all of the relief to which he

is entitled, the matter must be dismissed as moot (see Matter of Ramos v Department of Corr. & Community Supervision, 123 AD3d 1215, 1216 [2014]).

Lahtinen, J.P., Garry, Devine and Clark, JJ., concur.

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

ENTER:



Robert D. Mayberger
Clerk of the Court