

**APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW
YORK, THIRD DEPARTMENT**

Matter of Williams v. Keyser

2018 NY Slip Op 08602 (N.Y. Ct. App. 2018) · No. 526535 · Decided December 13, 2018

SUMMARY

The petitioner challenged a tier II prison disciplinary determination in a CPLR article 78 proceeding. Because the determination had been administratively reversed, expunged, and accompanied by a surcharge refund, the court dismissed the petition as moot, while granting reimbursement of the petitioner's \$15 filing fee.

OPINION

PER CURIAM.

Matter of Williams v Keyser (2018 NY Slip Op 08602) Matter of Williams v Keyser 2018 NY Slip Op 08602 Decided on December 13, 2018 Appellate Division, Third Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: December 13, 2018 526535 [*1]In the Matter of KENYATTA WILLIAMS, Petitioner, vWILLIAM F. KEYSER, as Superintendent of Sullivan Correctional Facility, Respondent.

Calendar Date: October 26, 2018 Before: McCarthy, J.P., Devine, Clark, Aarons and Rumsey, JJ. Kenyatta Williams, Fallsburg, petitioner pro se. Barbara D. Underwood, Attorney General, Albany (William E. Storrs of counsel), for respondent. MEMORANDUM AND JUDGMENT Proceeding pursuant to CPLR article 78 (transferred to this Court by order of the Supreme Court, entered in Sullivan County) to review a determination of respondent finding petitioner guilty of violating certain prison disciplinary rules.

Petitioner commenced this CPLR article 78 proceeding challenging a tier II 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 \$5 mandatory surcharge has been refunded to petitioner's inmate account.

Accordingly, given that petitioner has received all the relief to which he is entitled, the petition must be dismissed as moot (see Matter of Anderson v Annucci, 164 AD3d 1551, 1551 [2018]; Matter of Herbert v Venettozzi, 162 AD3d 1454, 1455 [2018]).

As the record reflects that petitioner paid a reduced filing fee of \$15 and he has requested reimbursement thereof, we grant petitioner's request for that amount. McCarthy, J.P., Devine, Clark, Aarons and Rumsey, JJ., concur. ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$15.

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