

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.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	McCarthy, J.P.; Devine, J.; Clark, J.; Aarons, J.; Rumsey, J.
JURISDICTION	New York
DECIDED	December 13, 2018
DOCKET	526535
DISPOSITION	dismissed
PROCEDURAL POSTURE	CPLR article 78 proceeding challenging a tier II prison disciplinary determination; the proceeding was transferred to the Appellate Division by order of the Supreme Court, Sullivan County.
PRECEDENTIAL VALUE	published
PARTIES	Kenyatta Williams v. William F. Keyser, as Superintendent of Sullivan Correctional Facility

TOPICS

- judicial review of agency action
- agency adjudication
- remedies
- civil procedure

PRACTICE AREAS

- New York civil procedure
- prison disciplinary proceedings
- administrative law
- Article 78 judicial review

QUESTIONS PRESENTED

1. Whether the article 78 proceeding should be dismissed as moot after the challenged prison disciplinary determination was administratively reversed, expunged, and its surcharge refunded.
2. Whether Williams was entitled to reimbursement of the \$15 reduced filing fee.

HOLDINGS

1. The proceeding was moot because Williams had received all relief to which he was entitled after the disciplinary determination was reversed, the references were expunged, and the surcharge was refunded.
2. Williams was entitled to reimbursement of the \$15 reduced filing fee he had paid.

FACTUAL BACKGROUND

Williams was found guilty in a tier II prison disciplinary proceeding of violating certain prison disciplinary rules. Before the Appellate Division resolved his article 78 challenge, the disciplinary determination was administratively reversed, the related references were expunged from his institutional record, and the \$5 mandatory surcharge was refunded. Williams had paid a reduced filing fee of \$15 and requested reimbursement.

PROCEDURAL HISTORY

Williams commenced an article 78 proceeding challenging a determination finding him guilty of violating prison disciplinary rules. While the proceeding was pending, the Attorney General advised that the determination had been administratively reversed, all references had been expunged from Williams's institutional record, and the mandatory surcharge had been refunded. The Appellate Division dismissed the proceeding as moot but granted Williams reimbursement of his \$15 reduced filing fee.

DISPOSITION

dismissed

CASES CITED

- Matter of Anderson v. Annucci, 164 A.D.3d 1551 (N.Y. App. Div. 2018)
- Matter of Herbert v. Venettozzi, 162 A.D.3d 1454 (N.Y. App. Div. 2018)