

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

Matter of Mills v. Shumaker

133 A.D.3d 1019 (N.Y. App. Div. 2015) · No. 520664 · Decided November 12, 2015

SUMMARY

The New York Supreme Court, Appellate Division, Third Department reviewed a CPLR article 78 proceeding challenging a prison disciplinary determination finding Jonathan Mills guilty of violating prison rules. The court confirmed the determination and dismissed the petition without costs.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Peters, P.J.; Egan Jr., J.; Rose, J.; Devine, J.
JURISDICTION	New York
DECIDED	November 12, 2015
DOCKET	520664
DISPOSITION	dismissed
PROCEDURAL POSTURE	Proceeding under CPLR article 78 to review a prison disciplinary determination; the proceeding was transferred to the Appellate Division by order of Supreme Court, Albany County.
PRECEDENTIAL VALUE	published
PARTIES	Jonathan Mills v. Lieutenant Shumaker, as Hearing Officer at Southport Correctional Facility, et al., Commissioner of Corrections and Community Supervision

TOPICS

- judicial review of agency action
- agency adjudication
- administrative law
- appellate procedure

PRACTICE AREAS

- administrative law
- prison disciplinary proceedings
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Commissioner's determination finding Mills guilty of violating prison disciplinary rules should be annulled.

HOLDINGS

1. The determination of the Commissioner of Corrections and Community Supervision was confirmed, and Mills's petition was dismissed.

FACTUAL BACKGROUND

A prison disciplinary proceeding resulted in a determination by the Commissioner of Corrections and Community Supervision finding Jonathan Mills guilty of violating certain prison disciplinary rules. Mills sought Article 78 review of that determination.

PROCEDURAL HISTORY

Jonathan Mills commenced an Article 78 proceeding challenging a determination of the Commissioner of Corrections and Community Supervision finding him guilty of violating prison disciplinary rules. Supreme Court transferred the proceeding to the Appellate Division, Third Department, which confirmed the determination and dismissed the petition.

DISPOSITION

dismissed

OPINION

Matter of Mills v. Shumaker 133 A.D.3d 1019

PER CURIAM.

State of New York Supreme Court, Appellate Division Third Judicial Department Decided and Entered: November 12, 2015 520664 _____ In the Matter of JONATHAN

MILLS,

Petitioner, v

MEMORANDUM AND JUDGMENT

LIEUTENANT SHUMAKER, as Hearing Officer at Southport Correctional Facility, et al., Respondents. _____ Calendar Date: September 22, 2015 Before: Peters, P.J., Egan Jr., Rose and Devine, JJ. _____ Jonathan Mills, Ossining, 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 finding petitioner guilty of violating certain prison disciplinary rules. Determination confirmed. No opinion. Peters, P.J., Egan Jr., Rose

and Devine, JJ., concur. -2- 520664 ADJUDGED that the determination is confirmed, without costs, and petition dismissed. ENTER: Robert D. Mayberger Clerk of the Court

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