

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

Matter of Harris v. Collado

2021 NY Slip Op 03102 (N.Y. Ct. App. 2021) · No. 532174 · Decided May 13, 2021

SUMMARY

The Appellate Division, Third Department dismissed as moot a CPLR article 78 proceeding challenging a prison disciplinary determination because the determination had been administratively reversed, expunged, and the mandatory surcharge refunded. The court granted the petitioner reimbursement of \$21.40 in filing-related expenses and disbursements.

OPINION

PER CURIAM.

Matter of Harris v Collado (2021 NY Slip Op 03102) Matter of Harris v Collado 2021 NY Slip Op 03102 Decided on May 13, 2021 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: May 13, 2021 532174 [*1] In the Matter of Andre Harris, Petitioner, v Jaifa Collado, as Superintendent of Shawangunk Correctional Facility, Respondent.

Calendar Date: April 16, 2021 Before: Garry, P.J., Clark, Aarons, Pritzker and Reynolds Fitzgerald, JJ. Andre Harris, Wallkill, petitioner pro se. Letitia James, Attorney General, Albany (Kate H. Nepveu of counsel), for respondent. Proceeding pursuant to CPLR article 78 (transferred to this Court by order of the Supreme Court, entered in Ulster County) to review a determination of respondent finding petitioner guilty of violating certain prison disciplinary rules.

Petitioner commenced this CPLR article 78 proceeding to challenge 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.

In view of this, and given that petitioner has received all of the relief to which he is entitled, the petition must be dismissed as moot (see *Matter of Upson v Rich* 190 AD3d 1182, 1182 [2021]; *Matter of Dibble v Venettozzi*, 181 AD3d 1139, 1139 [2020]).

As the record reflects that petitioner was ordered to pay a reduced filing fee of \$15 and has paid \$6.40 in other expenses associated with this proceeding, and he has requested reimbursement

thereof, we grant petitioner's request for that amount. Garry, P.J., Clark, Aarons, Pritzker and Reynolds Fitzgerald, JJ., concur. ADJUDGED that the petition is dismissed, as moot, without costs, but with disbursements in the amount of \$21.40.

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