

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

Matter of Walker v. Martuscello

2026 NY Slip Op 02701 · No. CV-24-1742 · Decided April 30, 2026

SUMMARY

The Appellate Division, Third Department held that a state respondent was not substantially justified in imposing a 120-day segregated-confinement sanction on an incarcerated individual housed in a residential mental health unit without satisfying the statutory requirements of the HALT Act and SHU Exclusion Law. The court also rejected the finding that special circumstances made a counsel-fee award unjust under CPLR 8601. It reversed the order denying counsel fees, granted the motion, and remitted the matter to determine the amount of the award.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Clark, J.P.; Aarons, J.; Ceresia, J.; McShan, J.; Corcoran, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	April 30, 2026
DOCKET	CV-24-1742
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of Supreme Court, Albany County, denying petitioner's motion for counsel fees after petitioner prevailed in a CPLR article 78 proceeding challenging a 120-day segregated-confinement sanction.
STANDARD OF REVIEW	Review for abuse of discretion of Supreme Court's determination concerning whether the State's position was substantially justified or special circumstances made a fee award unjust.
PRECEDENTIAL VALUE	published
PARTIES	Junarian Walker v. Daniel F. Martuscello III, as Commissioner of Corrections and Community Supervision

TOPICS

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prisoners rights

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the State's position in imposing a 120-day segregated-confinement sanction was substantially justified under CPLR 8601.
2. Whether special circumstances made an award of counsel fees unjust under CPLR 8601.
3. Whether petitioner was entitled to counsel fees after prevailing in the underlying CPLR article 78 proceeding.

HOLDINGS

1. The State's position was not substantially justified because the record lacked a reasonable basis in law and fact for imposing 120 days of segregated confinement on an incarcerated person housed in a residential mental health unit.
2. The petitioner's misconduct and the State's duty to protect prison employees and incarcerated persons did not constitute special circumstances making a fee award unjust.
3. Petitioner was entitled to counsel fees under CPLR 8601 as the prevailing party in the article 78 proceeding.

KEY QUOTATIONS

*"As such, whether respondent's position was substantially justified within the meaning of CPLR 8601 distills to an analysis of whether there was "a reasonable basis both in law and fact" to impose the 120-day confinement sanction" ([*3])*

*"We reject that reasoning, as it runs counter to the purpose of the EAJA and risks foreclosing fee awards in any disciplinary proceeding where an incarcerated individual is found guilty of violating prison disciplinary rules but is later successful in challenging a violation of his or her rights" ([*5])*

FACTUAL BACKGROUND

While confined in a residential mental health unit at Marcy Correctional Facility, petitioner was charged with violent conduct and making threats after verbally threatening to kill facility officials and one official's infant child during a crisis call. Following a tier III disciplinary hearing, he was found guilty and assessed 120 days of SHU confinement. The hearing disposition did not make the specific statutory findings required for confinement exceeding three days, and the record did not establish that petitioner had access to the threatened individuals or a history of causing serious physical injury or death.

PROCEDURAL HISTORY

Petitioner was found guilty at a tier III prison disciplinary hearing and assessed 120 days of SHU confinement. In a CPLR article 78 proceeding, Supreme Court annulled the sanction to the extent it exceeded three days because the required statutory findings and factual basis were absent. Petitioner then sought \$8,550 in counsel fees under CPLR 8601. Supreme Court denied fees, finding the State's position substantially justified and determining that special circumstances made an award unjust. The Appellate Division reversed, granted the fee motion, and remitted for determination of the fee amount.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Supreme Court must determine the amount of counsel fees owed to petitioner and conduct further proceedings not inconsistent with the Appellate Division's decision.

CASES CITED

- Matter of Walker v. Commissioner, N.Y. State Dept. of Corr. & Community Supervision, 241 AD3d 1, 4, 6 (3d Dept 2025)
- Matter of Wittlinger v. Wing, 99 NY2d 425, 431 (2003)
- Matter of New York State Clinical Lab. Assn. v. Kaladjian, 85 NY2d 346, 356 (1995)
- Matter of Brown v. City of Schenectady, 209 AD3d 128, 133-134 (3d Dept 2022)
- Matter of Sutherland v. Glennon, 256 AD2d 984, 985 (3d Dept 1998)
- Matter of Vapor Tech. Assn. v. Cuomo, 203 AD3d 1516, 1517 (3d Dept 2022), lv dismissed, 39 NY3d 960 (2022)
- Matter of Peterkin v. New York State Dept. of Corr. & Community Supervision, 242 AD3d 26, 32 (3d Dept 2025)
- Matter of Serio v. New York State Dept. of Correctional Servs., 215 AD2d 835, 835 (3d Dept 1995)
- Matter of Thomas v. Coughlin, 194 AD2d 281, 283-284 (3d Dept 1993)
- Albunio v. City of New York, 23 NY3d 65, 73 (2014)
- Matter of Markey v. Tietz, 244 AD3d 78, 86 (3d Dept 2025)
- Sakhawati v. Lynch, 839 F3d 476, 478 (6th Cir 2016)
- Taylor v. United States, 815 F2d 249, 253 (3d Cir 1987)
- Oguachuba v. Immigration & Naturalization Serv., 706 F2d 93, 99 (2d Cir 1983)