

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**977**

**TP 09-00443**

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

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IN THE MATTER OF LUIS RIVERA, PETITIONER,

V

ORDER

BRIAN FISCHER, COMMISSIONER, NEW YORK STATE  
DEPARTMENT OF CORRECTIONAL SERVICES, AND  
NORMAN R. BEZIO, DIRECTOR, SPECIAL HOUSING/  
INMATE DISCIPLINARY PROGRAMS OF WILLARD  
DRUG TREATMENT FACILITY, RESPONDENTS.

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LUIS RIVERA, PETITIONER PRO SE.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (FRANK K. WALSH OF COUNSEL),  
FOR RESPONDENTS.

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Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division in the Fourth Judicial Department by order of the Supreme Court, Seneca County [Dennis F. Bender, A.J.], entered February 27, 2009) to review a determination of respondents. The determination found after a Tier III hearing that petitioner had violated various inmate rules.

It is hereby ORDERED that said proceeding is unanimously dismissed without costs as moot (*see Matter of Free v Coombe*, 234 AD2d 996).

Entered: October 2, 2009

Patricia L. Morgan  
Clerk of the Court