

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

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TP 09-01734

PRESENT: SCUDDER, P.J., FAHEY, LINDLEY, AND GREEN, JJ.

IN THE MATTER OF ANTONIO VELEZ, PETITIONER,

V

ORDER

JAMES A. MANCE, SUPERINTENDENT, MARCY
CORRECTIONAL FACILITY, NEW YORK STATE DEPARTMENT
OF CORRECTIONAL SERVICES, RESPONDENT.

ANTONIO VELEZ, PETITIONER PRO SE.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARCUS J. MASTRACCO OF
COUNSEL), FOR RESPONDENT.

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Oneida County [Anthony F. Shaheen, J.], entered August 14, 2009) to review a determination of respondent. The determination found after a Tier II hearing that petitioner had violated an inmate rule.

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

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court