

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

**195**

**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