

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

**194**

**CA 13-01857**

PRESENT: PERADOTTO, J.P., CARNI, SCONIERS, AND WHALEN, JJ.

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IN THE MATTER OF HERBERT FARRINGTON,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

ANTHONY ANNUCCI, ACTING COMMISSIONER, NEW YORK  
STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY  
SUPERVISION, RESPONDENT-RESPONDENT.

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WYOMING COUNTY-ATTICA LEGAL AID BUREAU, WARSAW (LEAH R. NOWOTARSKI OF  
COUNSEL), FOR PETITIONER-APPELLANT.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (KATE H. NEPVEU OF  
COUNSEL), FOR RESPONDENT-RESPONDENT.

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Appeal from a judgment of the Supreme Court, Wyoming County (Mark  
H. Dadd, A.J.), entered September 18, 2013 in a proceeding pursuant to  
CPLR article 78. The judgment dismissed the petition.

It is hereby ORDERED that said appeal is unanimously dismissed  
without costs.

Memorandum: Petitioner commenced this proceeding seeking to  
annul a determination that he violated a certain inmate disciplinary  
rule. After petitioner appealed Supreme Court's judgment dismissing  
the petition, respondent issued an administrative order reversing the  
determination and directing that all references to the disciplinary  
proceeding be expunged. Because petitioner has obtained the relief he  
sought in the petition, this appeal is dismissed as moot (*see Matter  
of Free v Coombe*, 234 AD2d 996, 996).

Entered: February 13, 2015

Frances E. Cafarell  
Clerk of the Court