

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

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**KAH 18-01806**

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, NEMOYER, AND TROUTMAN, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK EX REL.  
MELINDA LUCK, PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

S. SQUIRES, SUPERINTENDENT, ALBION CORRECTIONAL  
FACILITY, RESPONDENT-RESPONDENT.  
(APPEAL NO. 1.)

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MELINDA LUCK, PETITIONER-APPELLANT PRO SE.

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Appeal from a judgment (denominated order) of the Supreme Court, Orleans County (Michael M. Mohun, A.J.), entered August 3, 2018 in a habeas corpus proceeding. The judgment denied the petition.

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

Memorandum: In appeal No. 1, petitioner appeals from a judgment denying her petition for a writ of habeas corpus; in appeal No. 2, she appeals from an order denying her motion seeking leave to reargue or renew her petition. Because petitioner was released to parole in January 2019, we dismiss as moot both the appeal from the judgment denying the petition for a writ of habeas corpus (see *People ex rel. Valentin v Annucci*, 159 AD3d 1391, 1392 [4th Dept 2018], lv denied 31 NY3d 911 [2018]; *People ex rel. Ackridge v Sheahan*, 115 AD3d 1322, 1323 [4th Dept 2014], lv denied 23 NY3d 906 [2014]) and the appeal from the order denying her motion seeking leave to reargue or renew her petition (see *People ex rel. Seals v New York State Dept. of Correctional Servs.*, 32 AD3d 1262, 1263 [4th Dept 2006]). We conclude that the exception to the mootness doctrine does not apply (see *People ex rel. Winters v Crowley*, 166 AD3d 1525, 1525 [4th Dept 2018], lv denied 32 NY3d 917 [2019]; see generally *Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714-715 [1980]).

Entered: June 14, 2019

Mark W. Bennett  
Clerk of the Court