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APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2649-18

B.B.,¹

Appellant,

v.

NEW JERSEY DEPARTMENT
OF CORRECTIONS,

Respondent.

Submitted November 5, 2020 – Decided May 6, 2021

Before Judges Ostrer and Enright.

On appeal from the New Jersey Department of
Corrections.

B.B., appellant pro se.

Gurbir S. Grewal, Attorney General, attorney for
respondent (Jane C. Schuster, Assistant Attorney
General, of counsel; Chanell Branch, Deputy Attorney
General, on the brief).

¹ We use initials to protect appellant's confidentiality as the Department of Corrections has dismissed the four disciplinary charges and expunged appellant's record.

PER CURIAM

Inmate B.B. filed this appeal to challenge the Department of Corrections' finding that he violated prohibited act *.708, refusing to submit to a search, three times, and prohibited act *.258, refusing to submit to testing for a prohibited substance, one time. See N.J.A.C. 10A:4-4.1(a)(2). The Department imposed consecutive sanctions for each prohibited act, resulting in an aggregate sanction of 450 days of administrative segregation, 180 days of lost commutation time, 30 days of lost recreation privileges, 365 days of urine monitoring, and permanent loss of contact visits. We requested the video evidence that the agency said it relied upon to substantiate the charges. The agency ultimately reported that the video evidence was no longer operable.

In light of that development, the agency then filed a motion for a remand for the purpose of dismissing the disciplinary charges that are the subject of this appeal. We granted the motion, provided that the agency thereafter expunge the inmate's records in accord with N.J.A.C. 10A:4-9.26, and notify us that the dismissal and expungement have occurred. We retained jurisdiction.

As the agency has notified us that the agency has dismissed the four disciplinary charges and expunged the inmate's record, the appeal before us is dismissed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION