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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-5466-15T1

ERIC ADAIR,

Appellant,

v.

NEW JERSEY DEPARTMENT OF  
CORRECTIONS,

Respondent.

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Submitted March 6, 2018 – Decided March 22, 2018

Before Judges Fisher and Fasciale.

On appeal from the New Jersey Department of  
Corrections.<sup>1</sup>

Eric Adair, appellant pro se.

Gurbir S. Grewal, Attorney General, attorney  
for respondent (Melissa H. Raksa, Assistant  
Attorney General, of counsel; Christopher C.  
Josephson, Deputy Attorney General, on the  
brief).

PER CURIAM

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<sup>1</sup> The record does not reveal whether the order in question constituted a final agency decision. Although we think it was not, we have proceeded to consider the appeal as if finality was achieved at the agency level.

Appellant Eric Adair is currently serving a fifteen-year prison term. In this appeal, he argues his request for a reduced custody status from "gang minimum" to "full minimum"<sup>2</sup> was arbitrarily rejected. An administrator denied the request because of appellant's extensive criminal history and because of the circumstances of the offense for which he was convicted, which involved multiple shooting victims. With that, appellant filed this appeal. The Department of Corrections moved to dismiss because appellant failed to exhaust his administrative remedies; we denied that motion.

We now dismiss the appeal for a different reason. The order in question clearly states that the decision of which appellant complains "will remain for 1 year" and that appellant could seek "yearly review" of his classification. Because that order was entered on May 17, 2016, over one year ago, the order – by its own terms – could be revisited without the need for our intervention. In short, the passage of one year has mooted the issue presented in this appeal.

Appeal dismissed.

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



CLERK OF THE APPELLATE DIVISION

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<sup>2</sup> "Gang minimum" permits the inmate to move outside the security perimeter of the facility but under continuous supervision. N.J.A.C. 10A:9-4.3(d). "Full minimum" permits the inmate to engage in work details, jobs, or programs, outside the main correctional facility with minimal supervision. N.J.A.C. 10A:9-4.3(e).