



requests. Subsequently, he filed a grievance that was denied. The grievance officer reasoned that the credits could not be restored due to the nature of the offenses for which the credits had been revoked. The plaintiff appealed his grievance to the administrative review board and was denied the restoration of the credits again. After several repeated attempts to have the good-conduct credits restored, one month was restored.

On October 7, 2009, the plaintiff filed a complaint for *mandamus* relief against the defendant. He prayed for (1) a statement of the factual basis on which the restorations had been denied, (2) the submission of his pending requests for 90 days or more of good-conduct credit, and (3) the award of 90 days of good-conduct credit for meritorious service. The defendant filed a motion to dismiss the complaint. The circuit court granted the motion to dismiss, holding that the plaintiff's complaint had failed to state a cause of action. The plaintiff filed this timely appeal.

#### ANALYSIS

On appeal, the plaintiff argues that he was not provided a factual basis for the denials of his request for the restoration of good-conduct credits and that his claim is not barred by *laches*. Furthermore, he argues that his claim is not moot, even if he has been released, because the restoration of his good-conduct credits could shorten the length of his parole. In response, the defendant argues that the appeal should be dismissed as moot because the plaintiff has already been restored all his good-conduct credits, he has been released from prison, and his mandatory supervised release cannot be shortened by law. In the alternative, he argues that the complaint was barred by *laches* due to a six-month delay in filing. Furthermore, he argues that the plaintiff did not exhaust all of his administrative remedies before filing his complaint in the circuit court.

We first address the issue of mootness. It is well-settled that an actual controversy must exist for appellate jurisdiction. *Chand v. Patla*, 342 Ill. App. 3d 655, 660 (2003). If

"intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party" (*In re J.T.*, 221 Ill. 2d 338, 349-50 (2006)), then the issue is moot. "The fact that a case is pending on appeal when the events which render an issue moot occur does not alter this conclusion." *Dixon v. Chicago & North Western Transportation Co.*, 151 Ill. 2d 108, 116-17 (1992) (citing *Bluthardt v. Breslin*, 74 Ill. 2d 246, 250 (1979)). "Since the existence of a real controversy is an essential requisite to appellate jurisdiction, the general rule is that where a reviewing court has notice of facts which show that only moot questions or mere abstract propositions are involved, it will dismiss the appeal or writ of error even though such facts do not appear in the record." *La Salle National Bank v. City of Chicago*, 3 Ill. 2d 375, 379 (1954). Those facts shall be proved by extrinsic evidence. *Id.*

In the instant case, the defendant supports his argument that the appeal is moot by attaching additional authority to his brief that is outside the record. He provides a copy of the plaintiff's good-time revocation/restoration card, along with an affidavit from the record office supervisor, to support the argument that the plaintiff was restored all his good-conduct credits and was released on August 27, 2010. Normally, matters outside the record are not taken into consideration by this court, but in determining whether this claim is moot, we can consider them. We also note that the plaintiff had an ample opportunity to object to these matters in a reply brief and chose not to do so.

In light of these facts, we conclude that the relief requested by the plaintiff is no longer at issue. The plaintiff requested *mandamus* relief to compel the defendant to provide a factual basis for the denials of his requests for the restoration of good-conduct credits and to resubmit his pending request for the restoration of those credits. The plaintiff now has been restored all the good-conduct credits and released from prison. Thus, since we can no longer provide the relief that has been requested in the plaintiff's first and second claims, we

find them moot.

The last argument remaining at issue is the plaintiff's request for good-conduct credit for 90 days of meritorious service. Since the plaintiff has already been released, we can no longer provide him with credit for an early release. The plaintiff argues that the granting of the meritorious good-conduct credit could shorten his mandatory supervised release. However, under *People v. Whitfield*, 217 Ill. 2d 177, 202-03 (2005), we cannot modify a term of mandatory supervised release. Therefore, we cannot provide effective relief to the plaintiff on this issue, making it moot as well.

The appeal is dismissed. In light of our conclusions herein, we will not address the merits of the other issues.

#### CONCLUSION

For the foregoing reasons, the appeal is dismissed.

Appeal dismissed.