SJC-13264

MATTHEW TROILA vs. DEPARTMENT OF CORRECTION.

October 5, 2022.

Supreme Judicial Court, Superintendence of inferior courts. Practice, Civil, Action in nature of mandamus, Moot case.

Matthew Troila appeals from a judgment of the county court denying, without a hearing, his petition for extraordinary relief. In his petition, Troila sought relief in the nature of mandamus compelling the Department of Correction (department) to prepare a medical parole plan, including an evaluation for placement in a particular long-term care facility, in connection with his application for medical parole.[1] He also requested that the single justice report a question to the full court concerning the department's obligations in connection with medical parole planning. After Troila filed his petition, the Commissioner of Correction denied his request for medical parole, and Troila's complaint for judicial review of that denial is currently pending in the Superior Court. We dismiss the appeal as moot.

"[L]itigation is considered moot when the party who claimed to be aggrieved ceases to have a personal stake in its outcome."

[1] Although Troila was neither challenging any court ruling nor seeking an order that the trial court take any action, his petition stated that it was filed pursuant to G. L. c. 211, § 3. That statute is inapplicable, as it "only empowers us to exercise superintendence over 'courts of inferior jurisdiction,' not executive agencies." Doe, Sex Offender Registry Bd. No. 76819 v. Sex Offender Registry Bd., 480 Mass. 212, 221 n.3 (2018). We treat the petition as seeking relief in the nature of mandamus pursuant to G. L. c. 249, § 5.

Lynn v. Murrell, 489 Mass. 579, 582 (2022), quoting Blake v. Massachusetts Parole Bd., 369 Mass. 701, 703 (1976). "A party no longer has a personal stake in a case 'where a court can order "no further effective relief."'" Lynn, supra, quoting Branch v. Commonwealth Employment Relations Bd., 481 Mass. 810, 817 (2019), cert. denied, 140 S. Ct. 858 (2020). Where Troila's petition for medical parole has been denied, the question of preparing a medical parole plan for him is moot, as is any legal question concerning the department's obligations with regard to medical parole planning.

If we were to consider the merits, Troila would fare no better. "When a single justice denies relief in the nature of mandamus, '[that] determination will rarely be overturned.'" Snell v. Office of the Chief Med. Examiner, 482 Mass. 1005, 1005 (2019), quoting Watson v. McClerkin, 455 Mass. 1002, 1003 (2009). "It would be hard to find any principle more fully established in our practice than the principle that neither mandamus nor certiorari is to be used as a substitute for ordinary appellate procedure or used at any time when there is another adequate remedy." D'Errico v. Board of Registration of Real Estate Brokers & Salespersons, 490 Mass. 1008, 1008 (2022), quoting Matter of Burnham, 484 Mass. 1036, 1036 (2020). Troila has, and is pursuing, the opportunity to challenge the denial of medical parole in the ordinary course. In addition, "mandamus relief 'is not appropriate where the acts in question are discretionary rather than ministerial.'" Vinnie v. Commonwealth, 475 Mass. 1011, 1012 (2016), quoting Boxford v. Massachusetts Highway Dep't, 458 Mass. 596, 606 (2010). Formulating a medical parole plan is not a ministerial task, but one requiring the exercise of significant discretion. For both these reasons, the single justice did not err or abuse his discretion by denying relief.

Appeal dismissed.

The case was submitted on briefs.
Ruth Greenberg for the petitioner.
Mary Eiro-Bartevyan for the respondent.