

**COURT OF APPEALS
DECISION
DATED AND FILED**

February 7, 2006

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2004AP2554

Cir. Ct. No. 2004CV1303

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

BENEDICT J. REISCHEL,

PLAINTIFF-APPELLANT,

v.

US BANK P/K/A FIRSTAR BANK-MILWAUKEE, N.A.,

DEFENDANT-RESPONDENT,

DENEEN WEINZ,

DEFENDANT.

APPEAL from a judgment of the circuit court for Milwaukee County: DENNIS P. MORONEY, Judge. *Affirmed.*

Before Fine, Curley and Kessler, JJ.

¶1 PER CURIAM. Benedict J. Reischel, *pro se*, appeals from the judgment dismissing his complaint as untimely. The issue on appeal is whether

the circuit court properly determined that Reischel's claims were barred by the statute of limitations. We affirm.

¶2 Reischel filed an action against U.S. Bank on February 9, 2004, and U.S. Bank filed a motion to dismiss for failure to state a claim. Reischel then filed an amended complaint on April 29, 2004. The amended complaint appears to allege a claim for fraud or conspiracy to commit fraud.¹ U.S. Bank once again moved to dismiss for failure to state a claim and because the action was barred under the statute of limitations.

¶3 The statute of limitations for fraud is six years from the date the aggrieved party discovers the facts that constitute the fraud. WIS. STAT. § 893.93(1)(b) (2003-04). In his complaint, Reischel asserts that the acts that constituted the fraud occurred between May 1996 and May 1997. He filed his original complaint in February 2004, more than six years after these acts. During the hearing on the motion to dismiss, the circuit court asked Reischel why he had not started the action sooner. Reischel replied that he was too busy at the time. We agree with the circuit court that Reischel's claims are barred by the statute of limitations. Consequently, we affirm the judgment of the circuit court.

By the Court.—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

¹ Reischel acted *pro se* in this matter and the complaint is somewhat difficult to discern. The complaint refers to actions of the Bank that caused him to be “swindled” out of money.

