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DISTRICT II

January 5, 2026

To:

Hon. Chad G. Kerkman
Circuit Court Judge
Electronic Notice

Rebecca Matoska-Mentink
Clerk of Circuit Court
Kenosha County Courthouse
Electronic Notice

Anne M. Jaspers
Electronic Notice

Daniel Perez Jimenez
Calle 20 de Noviembre,
El Desengano, Candelaria
Campeche,
Mexico

You are hereby notified that the Court has entered the following opinion and order:

2025AP828

Mariana Diaz Roman v. Daniel Perez Jimenez (L.C. #2024FA795)

Before Neubauer, P.J., Gundrum, and Lazar, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Mariana Diaz Roman appeals from an order denying a portion of her petition relating to her minor daughter, D.J.P.D. Daniel Perez Jimenez has not filed a responsive brief. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See WIS. STAT. RULE 809.21 (2023-24).*¹ Based on Jimenez's failure to file a responsive brief, we reverse the order of the circuit court denying Roman's petition requesting the Special Immigrant Juvenile Status Findings and remand the matter for further proceedings consistent with this opinion.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

On November 18, 2024, Roman petitioned the Kenosha County Circuit Court to award her sole custody and primary placement of D.J.P.D. Roman also sought findings that would allow her to apply for Special Immigrant Juvenile Status, humanitarian relief for children who cannot reunify with one or both parents because of abuse, neglect, abandonment, or other similar basis under state law. Specifically, Roman requested the circuit court to find that: (1) D.J.P.D. is subject to the court's jurisdiction, (2) D.J.P.D. is under 21 years old, (3) D.J.P.D. is not married, (4) it is not viable to reunify D.J.P.D with her father in Mexico because he abandoned her, and (5) it is not in the best interest of D.J.P.D. to return to her country of origin, Mexico, due to a lack of relationship with Jimenez.

Jimenez did not respond to the petition, or appear for the proceedings before the court commissioner or the circuit court. The custody, placement, and child support issues were resolved before the court commissioner. In a March 5, 2025 order, the court commissioner found that Jimenez was personally served, and that a default judgment was to be served. The commissioner also found D.J.P.D was subject to the jurisdiction of the court, that she was under 21 years old, not married, it was not viable to reunify D.J.P.D. with her father in Mexico because he abandoned her, and it was not in the child's best interest due to the safety concerns and because Jimenez had no contact with child for over 15 years. The court commissioner certified the matter to the circuit court for further findings.

Roman then requested that the circuit court make the Special Immigrant Juvenile Status Findings. The court determined that it did not have authority to make the requested findings in a final order dated April 8, 2025. This appeal follows.

On appeal, Roman contends that the circuit court erred in determining that it did not have the authority to make the requested findings. Roman seeks reversal of the court's order.

Jimenez has not filed a brief responding to Roman's arguments. *See Charolais Breeding Ranches, Ltd. v. FPC Sec. Corp.*, 90 Wis. 2d 97, 108-09, 279 N.W.2d 493 (Ct. App. 1979) (unrefuted arguments are deemed conceded). On July 31, 2025, we informed Jimenez that his responsive brief was delinquent and advised that, absent the filing of a brief within five days, the judgment or order appealed from will be disposed of summarily and may be summarily reversed. On August 25, 2025, we again warned the Jimenez that if he failed to file a responsive brief by September 9, 2025, we could exercise our discretion and summarily reverse the circuit court provided that we determine that he had abandoned the appeal. *See Raz v. Brown*, 2003 WI 29, ¶18, 260 Wis. 2d 614, 660 N.W.2d 647; *see also State ex rel. Blackdeer v. Township of Levis*, 176 Wis. 2d 252, 259-60, 500 N.W.2d 339 (Ct. App. 1993) (summary reversal is the appropriate sanction for respondent's violation of briefing requirements).

On November 26, 2025, we advised that the respondent's brief is necessary to the resolution of this appeal, and that the failure to file such a brief constitutes an abandonment of the appeal. We further advised that, if a brief was not filed by December 17, 2025, we intended to summarily reverse the appealed from order. *See WIS. STAT. RULE 809.83(2)*.

Jimenez has abandoned the appeal by failing to file a responsive brief. Summary reversal is appropriate. Based on Jimenez's failure to file a responsive brief, we reverse the order of the circuit court denying Roman's petition for Special Immigrant Juvenile Status Findings and remand the matter for further proceedings consistent with this opinion.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court denying Roman's petition for Special Immigrant Juvenile Status Findings is summarily reversed and the cause remanded for further proceedings consistent with this opinion, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

*Samuel A. Christensen
Clerk of Court of Appeals*