COURT OF APPEALS
DECISION
DATED AND RELEASED

April 17, 1997

NOTICE

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

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

No. 96-1078

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT IV

STATE OF WISCONSIN EX REL. JAMES D. FOX,

PETITIONER-APPELLANT,

V.

JEFFREY ENDICOTT,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Columbia County: RICHARD L. REHM, Judge. *Affirmed.*

Before Eich, C.J., Dykman, P.J., and Vergeront, J.

PER CURIAM. James Fox, an inmate at Columbia Correctional Institution (CCI), appeals from an order affirming a prison disciplinary decision. The decision imposed punishment on Fox for disobeying staff orders in a dining room incident. Fox's brief addresses neither the facts surrounding the incident nor the disciplinary process. Instead, his brief solely addresses the alleged inadequacy

of the medical care he has received at CCI. We reject his arguments as irrelevant and outside the record, and therefore affirm.

The connection between Fox's medical care and the incident under review is not clear. We assume his position to be that he was physically unable to carry out the orders he disobeyed due to inadequate medical care. However, no evidence concerning the alleged deficiencies in his care appears in the record of this disciplinary proceeding. The only evidence that does appear in the record is an advocate's report that Fox was not on medical disability at the time of the incident. That ends that matter. On certiorari review, this court may not consider matters outside the record. ***State ex rel. Meeks v. Gagnon***, 95 Wis.2d 115, 120, 289 N.W.2d 357, 361 (Ct. App. 1980). Additionally, our decision makes it unnecessary to decide the appellant's pending motions.

By the Court.—Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.