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DISTRICT IV

August 20, 2026

To:

Hon. Stephen E. Ehlke
Circuit Court Judge
Electronic Notice

Jeff Okazaki
Clerk of Circuit Court
Dane County Courthouse
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You are hereby notified that the Court has entered the following opinion and order:

2025AP1921

State of Wisconsin ex rel. DeLorean L. Bryson v. Jared Hoy
(L.C. # 2025CV124)

Before Graham, P.J., Kloppenburg, and Nashold, 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).

DeLorean L. Bryson, pro se, appeals a circuit court order denying his motion to reopen a case that was closed due to Bryson's failure to timely file a brief. Based on 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 We affirm.

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

Bryson filed a petition for a writ of certiorari seeking review of a Wisconsin Department of Corrections (DOC) decision on Bryson's inmate complaint. The circuit court set a briefing schedule providing that Bryson's brief in support of his petition had to be filed and served by April 3, 2025. Bryson did not file his brief by this date. On May 6, 2025, the court entered an order denying Bryson's petition for a writ of certiorari, explaining that Bryson's failure to adhere to the briefing schedule amounted to a failure to prosecute the action.

The following week, the circuit court received a letter from Bryson stating that, on the date of his filing deadline, April 3, 2025, Bryson had mailed to the court a motion for enlargement of the time to file his brief. Bryson further represented that he had "a receipt to show proof" that he mailed the motion on April 3.²

On May 13, 2025, the circuit court issued an order stating that it had reviewed Bryson's filings and that nothing in those filings caused the court to conclude that its May 6 order was in error. The court noted that, although Bryson claimed to have a receipt showing that he mailed a request for an extension, he did not include that receipt with his filings. The court further stated that, "if [Bryson] submit[ted] unequivocal proof showing he mailed in a request for an extension, [it] would consider that material."

On July 18, 2025, Bryson filed a motion asking the circuit court to, among other things, reopen the case. Bryson included several documents, and he represented that the documents proved that he had indeed mailed an extension request on April 3, 2025. These documents

² Bryson also represented that he mailed his brief on May 5, 2025, and that brief was received by the circuit court on May 12, 2025. The timing of this filing is not material to the issues raised on appeal.

consisted of (1) a printout of a screenshot of a file directory listing a document titled “enlargement of time.docx” with a “Date modified” of “4/3/2025 7:26 PM”; (2) a disbursement request signed on April 3, 2025, which Bryson described as “the receipt ... from the library of Bryson paying for the copy [to be] printed off”; and (3) an unsigned copy of the motion Bryson purportedly attempted to mail on April 3, 2025, which included a certificate of service.

The circuit court issued an order denying Bryson’s motion on the ground that Bryson did not provide adequate support for his assertion that he mailed his extension motion by the April 3 deadline. Bryson appeals.

We review a circuit court’s order deciding a motion to reopen for an erroneous exercise of discretion. ***Franke v. Franke***, 2004 WI 8, ¶54, 268 Wis. 2d 360, 674 N.W.2d 832. We will not reverse a discretionary decision if the record shows that the court relied on the applicable law, examined the relevant facts, and reached a reasonable decision. ***Prahl v. Brosamle***, 142 Wis. 2d 658, 667-68, 420 N.W.2d 372 (Ct. App. 1987). It is the appellant’s burden to show that the circuit court erred. ***Seltrecht v. Bremer***, 214 Wis. 2d 110, 125, 571 N.W.2d 686 (Ct. App. 1997).

As the circuit court noted in its decision, it has “broad discretion in addressing untimely motions to amend scheduling orders,” and such discretion “is absolutely essential to the court’s ability to efficiently and effectively administer its calendar.” ***Schneller v. St. Mary’s Hosp. Med. Ctr.***, 162 Wis. 2d 296, 310, 470 N.W.2d 873 (1991). Bryson has not shown that it was an erroneous exercise of the court’s discretion to require unequivocal proof that he timely mailed his extension motion as a condition of reopening the case. See *id.* at 305-08 (noting that Wis. STAT. § 802.10(3) is a discretionary statute under which a circuit court *may* amend its scheduling

order and affirming denial of an untimely motion for an extension of the time to identify witnesses under the scheduling order). Thus, Bryson has not shown that the court failed to apply the correct standard of law in deciding his motion to reopen.

Nor has Bryson shown that the circuit court failed to consider the relevant facts. Bryson argues that the documents he filed with his motion to reopen constitute sufficient proof that he timely mailed his extension request, but the DOC persuasively explains why these documents do not constitute unequivocal proof.

The screenshot of a file directory might show when a computer file was last edited, but it does not show when a paper copy of a motion was mailed.

The “disbursement request form ... is not [proof of] the date on which [Bryson] deposited [the motion for extension] in the institution mailbox.” See *State ex rel. Shimkus v. Sondalle*, 2000 WI App 262, ¶¶11-12, 240 Wis. 2d 310, 622 N.W.2d 763.

Finally, the certificate of service, which states that Bryson served both the circuit court and the respondent with his motion for extension on April 3, 2025, is an unsworn assertion that is insufficient to prove the date of mailing. Bryson’s inclusion of the words “under penalty of perjury” in the certificate of service does not make it a “sworn statement indicating the document was sent on that date,” as he asserts. It is neither a sworn statement—one made under oath—nor does it include the language necessary to comply with the Uniform Unsworn Declarations Act. See WIS. STAT. § 887.015(4)(a) (requiring that a statement be signed and made “under penalty of false swearing”).

Bryson has not shown that the circuit court's decision to enforce its scheduling order and deny his motion to reopen was unreasonable in light of these legal standards and facts. We conclude that Bryson has not shown that the circuit court erroneously exercised its discretion. Accordingly, we affirm.

IT IS ORDERED the order is summarily affirmed. *See* 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