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DISTRICT II

August 26, 2026

To:

Hon. David P. Wilk
Circuit Court Judge
Electronic Notice

Karla Z. Keckhaver
Electronic Notice

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

Tayr Kilaab al Ghashiyah (Khan)
1868 - 22nd Avenue Apt #1103
Kenosha, WI 53140

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

2025AP741

Tayr Kilaab al Ghashiyah (Khan) v. Kevin Carr
(L.C. #2024CV216)

Before Lazar, P.J., Gundrum, and Grogan, 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).

Tayr Kilaab al Ghashiyah (Khan) appeals a circuit court order dismissing his petition for a writ of certiorari. Khan had sought certiorari review of the Department of Correction's (DOC) denial of Khan's request for early discharge from parole. 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 For the following reasons, we affirm.

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

Khan, formerly known as John Casteel, was convicted in two cases of armed robbery and possession of a firearm by a felon. *State v. Casteel*, 2001 WI App 188, ¶1, 247 Wis. 2d 451, 634 N.W.2d 338. He was sentenced in 1985 and 1986 to a total of 50 years in prison. *Id.* Khan was released to parole supervision on March 16, 2021.

In June 2023, Khan sought early discharge from parole. He also challenged the court-ordered financial obligations from his criminal cases. The DOC advised Khan that because the circuit court had ordered the costs as part of its sentences, the financial obligations were not reviewable by the DOC’s complaint process and any complaints regarding the financial obligations needed to be brought to the original sentencing court. The DOC also denied Khan’s request for early discharge from parole because “[t]he payment of court obligations is one of the expectations related to early discharge of parolees.”

Khan filed a writ of certiorari in the Kenosha County Circuit Court, seeking review of the DOC’s determinations. The DOC moved to dismiss Khan’s certiorari action for multiple reasons. It argued, in part, that Khan failed to serve a copy of his petition on the DOC secretary, that the venue should be in Brown County, not Kenosha County, *see* WIS. STAT. § 801.50(5),² that Khan’s petition was untimely, *see* WIS. STAT. § 893.735(2),³ and that the court-ordered financial obligations were not subject to administrative review, *see* WIS. ADMIN. CODE § DOC

² WISCONSIN STAT. § 801.50(5) (“Venue of an action for certiorari ... shall be the county in which the relator was last convicted of an offense for which the relator was on ... parole[.]”).

³ WISCONSIN STAT. § 893.735(2) (“An action seeking a remedy available by certiorari made on behalf of a prisoner is barred unless commenced within 45 days after the cause of action accrues.”).

328.12(2)(d) (through June 2026).⁴ Following a hearing, the court granted the DOC’s motion to dismiss. Khan appeals.

At the outset, the transcript of the circuit court’s oral decision granting the DOC’s dismissal motion is not included in the Record on appeal. It is therefore unclear whether the court dismissed the certiorari action for one of the procedural reasons offered in the DOC’s dismissal motion or on the merits. See *Austin v. Ford Motor Co.*, 86 Wis. 2d 628, 641, 273 N.W.2d 233 (1979) (when transcripts are missing from the record, we assume that they support affirming the circuit court’s determination).

In any event, as for Khan’s petition for early discharge, the DOC has discretion, under certain circumstances, to grant an offender early discharge from parole. See WIS. ADMIN. CODE § DOC 328.17(1m). In assessing a request for early discharge, the DOC considers the same factors a circuit court considers in assessing early discharge for probationers. Sec. DOC 328.17(1) (“Offenders may be eligible for discharge as provided by [WIS. STAT. §] 973.09(3)(d)[.]”). One of those factors is whether the parolee “has fulfilled all financial obligations to his or her victims, the court, and the department, including the payment of any fine, forfeiture, fee or surcharge, or order of restitution.” Sec. 973.09(3)(d)5. Because the Record reflects that Khan had not satisfied his court-ordered financial obligations arising from his criminal cases and because Khan cannot challenge the court-ordered financial obligations via administrative review, we conclude the DOC properly exercised its discretion in denying Khan’s

⁴ WISCONSIN ADMIN. CODE § DOC 328.12(2) (“An offender may request administrative review to challenge any department decision affecting an offender except a decision concerning: ... (d) Special conditions or terms of supervision imposed by a court[.]”). All references to WIS. ADMIN. CODE § DOC are to the June 2026 Register.

petition for early discharge from parole. We affirm the circuit court's dismissal of Khan's certiorari petition. Therefore,

IT IS ORDERED that the order of the circuit court 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