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DISTRICT II

October 21, 2026

To:

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Circuit Court Judge
Electronic Notice

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Clerk of Circuit Court
Calumet County Courthouse
Electronic Notice

Kimberly A. Tenerelli
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David D. Ebben
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You are hereby notified that the Court has entered the following opinion and order:

2023AP2063

Keri L. Leitzke v. David D. Ebben (L.C. #2011PA4PJ)

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).

David D. Ebben, pro se, appeals from an order denying his request seeking to suspend or reduce his child support obligation for the remainder of his incarceration. He believes the circuit court erred in denying his request and asks us to reverse the circuit court's order. 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 We affirm.

Ebben is currently incarcerated with a mandatory release date in February 2027.² In October 2022, the circuit court approved a stipulation wherein Ebben and Keri Leitzke (the children’s mother) agreed to a modification of Ebben’s child support obligation. The parties stipulated to Ebben paying child support of \$200 per week. The court entered an order to that effect.

In 2023, Ebben requested a review of his child support obligation. He wanted it set to zero during his incarceration or reduced to reflect his low prison wages. The court commissioner denied his request, finding that it “would impose an undue hardship upon the [mother].” Ebben filed a motion for a de novo hearing, which was held in October 2023. After the hearing, the circuit court denied Ebben’s motion, finding that although Ebben’s incarceration was a substantial change in circumstances, it had to also consider other factors, including: (1) Ebben’s own intentional conduct led to his incarceration; (2) he would likely have job prospects upon release; (3) work release was possible for him during his incarceration; and (4) the needs of the children. The court affirmed the commissioner’s order. Ebben now appeals.

Ebben’s briefing is wholly inadequate and undeveloped. The argument section of his brief-in-chief consists of two, one-sentence issues:

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

² The circuit court order indicates the mandatory release date is in February 2027. At the de novo hearing, Ebben testified his mandatory release date is “10/[20]27” but may be affected by his “pending DUI” because “the courts [were] asking for 18 months consecutive to what I’m serving now.” This does not affect our decision.

Issue I. The circuit court erred as a matter of law by treating incarceration as voluntary per se.

Issue II. The circuit court erroneously exercised its discretion by failing to apply WIS. STAT. §§ 767.59 and 767.511 and relying on local practice and generalized best-interests considerations.

His Reply brief then chastises the Respondent for failing “to meaningfully engage the legal issues” and makes three new arguments—only one of which contains a single legal citation. This single case that Ebben cites is not in proper citation format and does not provide a pinpoint citation. Despite that, we have reviewed the case, which does not help Ebben. ***Rottscheit v. Dumler***, 2003 WI 62, ¶1, 262 Wis. 2d 292, 664 N.W.2d 525, held that although “[i]ncarceration is one factor that should be considered” it does not mandate a change in child support. Instead, “the determination should be made on a case-by-case basis, looking at the totality of the relevant circumstances.” ***Id.*** The Record reflects this is exactly what the circuit court did.

Generally, we do not address undeveloped and inadequately briefed arguments. ***Clean Wis., Inc. v. PSC***, 2005 WI 93, ¶180 n.40, 282 Wis. 2d 250, 700 N.W.2d 768; ***State v. Pettit***, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (“We may decline to review issues inadequately briefed.”). In his main brief, Ebben fails to develop any argument to convince us that the circuit court erroneously exercised its discretion, and we will not abandon our neutrality to develop an argument for him. ***Industrial Risk Insurers v. American Eng’g Testing, Inc.***, 2009 WI App 62, ¶25, 318 Wis. 2d 148, 769 N.W.2d 82. His brief-in-chief lists only two issue statements and is devoid of any argument with legal citation to tell us how or why the circuit court erred. ***Pettit***, 171 Wis. 2d at 646 (“Arguments unsupported by references to legal authority will not be considered.”).

Ebben’s attempt in his Reply brief to cure his undeveloped brief-in-chief with new arguments and a single case citation is also insufficient. First, we do not consider arguments raised for the first time in a reply brief. *Northern States Power Co. v. National Gas Co.*, 2000 WI App 30, ¶21 n.6, 232 Wis. 2d 541, 606 N.W.2d 613 (“[N]or do we consider arguments made for the first time in a reply brief[.]”). Second, his Reply brief also fails to adequately develop any meaningful argument. Appellants have the burden to show the circuit court erred. *Gaethke v. Pozder*, 2017 WI App 38, ¶36, 376 Wis. 2d 448, 899 N.W.2d 381. Ebben did not satisfy this burden.³

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

³ We further note that in violation of WIS. STAT. RULE 809.19(1)(d) and (e), Ebben fails to cite to the Record. See *Useni v. Boudron*, 2003 WI App 98, ¶2 n.2, 264 Wis. 2d 783, 662 N.W.2d 672 (“An appellate court is improperly burdened where briefs fail to consistently and accurately cite to the record.”); *Madely v. RadioShack Corp.*, 2007 WI App 244, ¶14 n.7, 306 Wis. 2d 312, 742 N.W.2d 559 (stating that “we have no duty to scour the record to review arguments unaccompanied by adequate record citations”). While we recognize that Ebben is pro se, he must still abide by the same rules as attorneys. See *Waushara County v. Graf*, 166 Wis. 2d 442, 452, 480 N.W.2d 16 (1992) (“The right to self-representation is ‘[not] a license not to comply with relevant rules of procedural and substantive law.’” (alteration in original; citation omitted)).