

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 5, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

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

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.

No. 98-0792

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN EX REL. WALTER BROWN,

PETITIONER-APPELLANT,

v.

JEFFREY P. ENDICOTT,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Columbia County:
LEWIS W. CHARLES, Judge. *Affirmed.*

Before Eich, Vergeront and Roggensack, JJ.

PER CURIAM. Walter Brown appeals from an order affirming a prison disciplinary decision. He challenges the procedures the adjustment committee used in finding him guilty on three disciplinary charges. We conclude that he has waived certiorari review on the issues he raises, and therefore affirm.

As noted, the issues Brown raises concern the procedures the adjustment committee used. WIS. ADM. CODE § DOC 310.08(3) provides, in addition to other administrative appeal remedies, an inmate may use the inmate complaint review system “to challenge the procedure used by the adjustment committee...” Section 801.02(7), STATS., provides that no prisoner may commence a civil action against an agent of the DOC “until the person has exhausted any administrative remedies that the department of correction has promulgated by rule.” That legislative mandate resolves the matter because there is no showing in the record that Brown exhausted his inmate complaint remedy before commencing this action in the trial court.

By the Court.—Order affirmed.

This opinion will not be published.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

