

**COURT OF APPEALS
DECISION
DATED AND FILED**

May 10, 2001

Cornelia G. Clark
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 WIS. STAT. § 808.10 and RULE 809.62.

No. 00-2256

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

MOREAL T. WILSON,

PLAINTIFF-APPELLANT,

V.

**KENNETH MORGAN, LT. DIEBOLD, BEN BARTLEIN AND
JENNIFER WINIAUSKI,**

DEFENDANTS-RESPONDENTS.

APPEAL from an order of the circuit court for Dane County:
GERALD C. NICHOL, Judge. *Affirmed.*

Before Vergeront, Roggensack and Deininger, JJ.

¶1 PER CURIAM. Moreal Wilson, pro se, appeals the trial court's order dismissing his action brought pursuant to 42 U.S.C. § 1983. The issue is

whether Wilson has stated any cognizable claims on appeal. We conclude that he has not. We therefore affirm.

¶2 Wilson was charged with several major violations of prison rules because he did not cooperate with prison authorities when told his exercise time was over. He was found guilty of the violations twenty-three days after he received the conduct report. Wilson sought review through the administrative process, arguing that the hearing was not held within twenty-one days as required by WIS. ADMIN. CODE § DOC 303.76(3). The Secretary of the Department of Corrections (DOC) reversed the prison disciplinary committee and expunged the violations from Wilson's record.

¶3 Months later, Wilson brought an action in the circuit court pursuant to 42 U.S.C. § 1983, alleging that prison officials had violated his rights under the First, Fifth, Eighth, and Fourteenth Amendments of the U.S. Constitution when they held him in segregation pending disposition of the charges against him that were eventually overturned. The trial court dismissed the action. After Wilson moved to reconsider, the trial court reconsidered Wilson's claims, but still dismissed the action.

¶4 On appeal, Wilson argues that DOC did not follow its own rules because it did not hold the hearing within the prescribed time limits. Although this contention is accurate, Wilson gains nothing by making it. The findings of guilt resulting from the untimely hearing were reversed and expunged from his record.

¶5 Wilson also argues: (1) that he was not allowed to see the evidence against him; (2) that the disciplinary committee refused to read the statement made by his witnesses at the hearing; and (3) that the prison officials unlawfully opened

and withheld his mail. Wilson did not, however, raise any of these issues before the trial court. We will not consider arguments raised for the first time on appeal. *State v. Keith*, 216 Wis. 2d 61, 80, 573 N.W.2d 888 (Ct. App. 1997).

¶6 As for Wilson's arguments that DOC violated his rights under the First, Fifth, Eighth, and Fourteenth Amendments of the U.S. Constitution, Wilson has not briefed these arguments on appeal. These issues were properly before the circuit court but, because Wilson has abandoned them on appeal, we will consider them no further. See *Daryl T.-H. v. Margaret H.*, 2000 WI 42, ¶37 n.5, 234 Wis. 2d 606, 610 N.W.2d 475.

By the Court.—Order affirmed.

This opinion will not be published. WIS. STAT. RULE 809.23(1)(b)5.

