

**COURT OF APPEALS
DECISION
DATED AND FILED
November 13, 2008**

David R. Schanker
Clerk of Court of Appeals

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.*

Appeal No. 2007AP2345

Cir. Ct. No. 2007CV390

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

RODOSVALDO C. POZO,

PETITIONER-APPELLANT,

v.

RICHARD S. SCHNEITER,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for La Crosse County:
ELLIOTT M. LEVINE, Judge. *Affirmed.*

Before Dykman, Vergeront and Lundsten, JJ.

¶1 PER CURIAM. Rodosvaldo Pozo appeals from an order denying his petition for a writ of habeas corpus. We affirm.

¶2 Pozo has previously sought and been denied relief under WIS. STAT. § 974.06 (2005-06).¹ Some of Pozo's claims in the current habeas petition have already been litigated, and, therefore, he cannot raise them again. *State v. Pozo*, 2002 WI App 279, ¶9, 258 Wis. 2d 796, 654 N.W.2d 12. The remaining claims in Pozo's prior § 974.06 action were not previously raised, and, therefore, he must set forth a "valid reason" for not having raised them. *Id.* In his briefs on appeal, Pozo does not set forth a valid reason, or any reason, for not having raised his claims in prior postconviction proceedings. Therefore, all of the claims in the current habeas petition are procedurally barred.

By the Court.—Order affirmed.

This opinion will not be published.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

¹ All references to the Wisconsin Statutes are to the 2005-06 version unless otherwise noted.

