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DISTRICT IV

June 4, 2026

To:

Hon. Daniel S. Diehn
Circuit Court Judge
Electronic Notice

Jack D. Buswell
Electronic Notice

Elizabeth Storlie
Register in Probate
Jackson County Courthouse
Electronic Notice

Tayr Kilaab al Ghashiyah
1868 22nd Avenue, Apt. 1103
Kenosha, WI 53140

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

2025AP539

In the Estate of James C. Charles Casteel: Tayr Kilaab
al Ghashiyah v. Thomas J. Oster (L.C. # 2024PR44)

Before Kloppenburg, Nashold, and Taylor 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, pro se, appeals orders entered in a probate matter related to the Estate of James C. Charles Casteel. Based on 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 summarily affirm.

Al Ghashiyah is the only brother of James C. Charles Casteel. Casteel died in October 2024. Thomas Oster, a longtime friend of Casteel, filed a petition for the formal

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

administration of Casteel's estate and filed Casteel's will with the circuit court. Casteel's will bequeaths the contents of his estate to certain friends and family members. The will does not bequeath any of Casteel's estate to al Ghashiyah. Al Ghashiyah filed a motion requesting that the court apply Islamic law to the administration of the estate. Al Ghashiyah asserted that, under Islamic law, Casteel's estate must be distributed among Casteel's surviving siblings, with any surviving male siblings receiving twice the share of any surviving female siblings.

At an evidentiary hearing on Oster's petition and al Ghashiyah's motion, al Ghashiyah confirmed that his motion was a request that the circuit court apply Islamic law instead of the laws of the State of Wisconsin, and instead of following Casteel's will. Al Ghashiyah testified that, with his brother's death, al Ghashiyah became the head of the Casteel family, and as head of the family, he has decided that Islamic law is the law that applies to the family. Al Ghashiyah also testified that he and Casteel did not discuss whether or not Casteel's property should be distributed according to Islamic law, and that, to al Ghashiyah's knowledge, Casteel did not practice the Islamic faith. The court denied al Ghashiyah's motion requesting that the court apply Islamic law. The court admitted the will into probate and authorized Oster to administer Casteel's estate.

Al Ghashiyah moved the circuit court to reconsider its decision denying his motion to apply Islamic law to the administration of Casteel's estate. Al Ghashiyah argued that the court's decision was discriminatory and contrary to state and international human rights law. Al Ghashiyah also asserted that Wisconsin statutes are not legally valid or applicable to the administration of Casteel's estate because, according to al Ghashiyah, the statutes do not contain an enacting clause in violation of the Wisconsin Constitution. The court denied the motion to

reconsider on the basis that al Ghashiyah did not present newly discovered evidence or a manifest error of law or fact. Al Ghashiyah appeals.

Al Ghashiyah argues that the circuit court erred in failing to provide a legal basis for its denial of his motion to apply Islamic law to the administration of Casteel's estate. This argument fails because it is plainly refuted by the record and unsupported by any relevant legal authority. The record shows that, when denying al Ghashiyah's motion, the court explained that it is required to follow the laws of the State of Wisconsin and that the court would follow Casteel's will, which the court found is a valid will that outlines Casteel's wishes. The court also stated that, absent a statement from Casteel that Casteel desired a law from another jurisdiction, religion, or practice to apply to the administration of his estate, the court had no authority to apply other law. On appeal, al Ghashiyah fails to develop an argument with citation to legal authority in a way that illustrates court error on this issue, and accordingly we do not address this argument further. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (this court may decline to address arguments that are unsupported by legal authority and undeveloped).

Al Ghashiyah also argues that the circuit court's denial of his motion to apply Islamic law is discriminatory and violates fundamental rights protected under the "Universal Declaration of Human Rights." As with his argument addressed above, al Ghashiyah does not develop this argument with citation to relevant legal authority that illustrates court error. Rather, al Ghashiyah asserts that "human rights principles are universally applicable" and cites to *Presbyterian Church of Sudan v. Talisman Energy, Inc.*, 244 F. Supp. 2d 289 (S.D.N.Y. 2003) in support of that assertion. However, in that case, current and former residents of the Republic of Sudan brought suit alleging that an oil company in that country committed "gross human

rights violations, including extrajudicial killing, forcible displacement, war crimes, confiscation and destruction of property, kidnapping, rape, and enslavement.” See *Presbyterian Church of Sudan*, 244 F. Supp. 2d at 296. Al Ghashiyah does not explain how the *Presbyterian Church of Sudan* case supports his argument that the court here violated al Ghashiyah’s rights when it declined to apply Islamic law to the administration of the estate of Casteel, who the court found expressed no desire that Islamic law should apply.

In his reply brief, al Ghashiyah asserts that courts “routinely consider religious doctrine in ... cases where relevant and voluntarily invoked by the parties.” He also states that the U.S. Supreme Court has recognized the right of religious communities to arrange their affairs in accordance with their beliefs. It may be true that in certain circumstances courts may apply and consider international or human rights law, and the rights of religious communities. However, al Ghashiyah does not develop an argument as to how his right to practice Islamic law is relevant to the administration of Casteel’s estate, he does not assert any evidence that Casteel invoked Islamic law, and he does not explain his conclusion that the court should recognize the religious beliefs of al Ghashiyah in deciding Casteel’s will. Rather, al Ghashiyah’s argument amounts to the conclusory assertion that, because he asked the court to follow Islamic law, it was discrimination and a human rights violation for the court to decline the request. We do not further address this argument as it is undeveloped. See *Pettit*, 171 Wis. 2d at 646 (this court may decline to address arguments that are undeveloped).

Al Ghashiyah also argues that Wisconsin probate statutes do not have an enacting clause, and, consequently, the statutes lack legal authority and cannot be used as a basis to deny his request to apply Islamic law to the administration of Casteel’s estate. Al Ghashiyah cites to the Wisconsin Constitution, which provides that “[t]he style of all laws of the state shall be ‘The

people of the state of Wisconsin, represented in senate and assembly, do enact as follows[.]” WIS. CONST. art. IV, § 17(1). However, al Ghashiyah fails to point to evidence, or provide an analysis, supporting his argument that any of the myriad of laws making up the probate code lack enacting clauses. Moreover, in his reply brief, he effectively concedes that the probate code was properly enacted.

Finally, al Ghashiyah argues that the circuit court erred in denying the motion for reconsideration because, he asserts, “the [court’s] denial of Islamic inheritance law constitutes a manifest error of law.” We review a circuit court’s denial of a motion for reconsideration for an erroneous exercise of discretion. *Koepsell’s Olde Popcorn Wagons, Inc. v. Koepsell’s Festival Popcorn Wagons, Ltd.*, 2004 WI App 129, ¶6, 275 Wis. 2d 397, 685 N.W.2d 853. “To prevail on a motion for reconsideration, the movant must present either newly discovered evidence or establish a manifest error of law or fact.” *Id.*, ¶44. A “manifest error ... is the ‘wholesale disregard, misapplication, or failure to recognize controlling precedent.’” *Id.* (quoted source omitted).

In al Ghashiyah’s motion for reconsideration, he argued, as he does on appeal, that the circuit court’s decision denying his motion to apply Islamic law was discriminatory and contrary to state and international human rights law, and that Wisconsin statutes are not legally valid or applicable to Casteel’s estate because the statutes do not have enacting clauses. We agree with the court that al Ghashiyah failed to either present newly discovered evidence or establish a manifest error of law or fact in the motion for reconsideration. Moreover, on appeal al Ghashiyah fails to develop an argument supported by relevant legal authority to the contrary. Accordingly, al Ghashiyah has failed to establish that the court erroneously exercised its discretion.

Accordingly,

IT IS ORDERED that the orders of the circuit court are 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