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**DISTRICT IV**

February 27, 2025

To:

Hon. Mark T. Slate  
Circuit Court Judge  
Electronic Notice

Katrina Rasmussen  
Clerk of Circuit Court  
Waushara County Courthouse  
Electronic Notice

Emilia R. Janisch  
Electronic Notice

Lori M. Lubinsky  
Electronic Notice

Luke Joseph  
917 S. Oakwood Street  
Hancock, WI 54943

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

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2023AP2162

Luke Joseph v. Sheriff Walter (Wally) Zuehlke  
L.C. # 2022CV154)

Before Kloppenburg, P.J., Blanchard, and Nashold, 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).**

Luke Joseph, pro se, appeals a circuit court order dismissing his claims against Waushara County and multiple county officials. Based on our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2021-22).<sup>1</sup> We affirm.

Joseph's claims, as alleged in his complaint, relate to events in 2021 and 2022 surrounding the County board's refusal to allow Joseph to attend a board meeting without a

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2023-24 version unless otherwise noted.

mask, as was required at the time due to the COVID-19 pandemic. The alleged claims include, among others, violations of the open meetings law, violations of anti-slavery and human trafficking laws, and violations of his rights to religious freedom and freedom of speech. The circuit court dismissed most of Joseph's claims for failure to state a claim upon which relief may be granted. The court dismissed the remainder of the claims on the ground that Joseph failed to comply with the applicable notice of claim statute because he did not timely file a notice of claim within 120 days of his alleged injury.

In his briefing on appeal, Joseph makes assertions relating to several of his alleged claims, including in particular his religious freedom claim. However, Joseph does not address the relevant legal standards for appellate review, does not cite any case law, and does not provide record citations to any particular allegations in his complaint.

The County respondents contend that we should decline to address Joseph's arguments because the arguments are undeveloped. Alternatively, they argue that the circuit court properly dismissed Joseph's claims. They provide substantive arguments addressing each of Joseph's discernable claims. For example, they argue, with citations to case law, that Joseph's complaint allegations do not satisfy the relevant legal test for a religious freedom claim because his allegations do not establish that his religious beliefs were burdened by the County's mask requirement, and because the County had a compelling interest in requiring masks that could not be served by a less restrictive alternative.<sup>2</sup> Additionally, the County respondents provide a substantive argument relating to the notice of claim statute. They argue that, based on the dates

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<sup>2</sup> The County respondents do not dispute that Joseph has a sincerely held religious belief relating to the wearing of face coverings.

that the relevant events occurred, the court properly concluded that Joseph did not comply with the statute because he did not timely file a notice of claim within 120 days of his alleged injury.

We agree with the County respondents that Joseph’s arguments are undeveloped, and we reject his arguments on that basis. While this court makes some allowances for pro se litigants, “[w]e cannot serve as both advocate and judge” by developing arguments for a litigant. *See State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 164-65, 582 N.W.2d 131 (Ct. App. 1998); *see also State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (explaining that the court of appeals may decline to review issues that are inadequately briefed).

Moreover, Joseph has not addressed any of the respondents’ substantive arguments in his reply brief. Accordingly, he has effectively conceded those arguments. *See United Coop. v. Frontier FS Coop.*, 2007 WI App 197, ¶39, 304 Wis. 2d 750, 738 N.W.2d 578 (concluding that appellant’s failure to reply to an argument in respondent’s brief conceded the argument).

Therefore,

IT IS ORDERED that the circuit court’s order is summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*