

FILED**10-22-2025****CLERK OF WISCONSIN****SUPREME COURT**

Supreme Court of Wisconsin

**NO. 2024XX519****RUCKER V. LABOR AND
INDUSTRY REVIEW
COMMISSION****L.C. #2022CV4253**

October 22, 2025

The Court, by its Clerk and Commissioners, has entered the following order:

On September 5, 2025, the court of appeals issued an order taking no action on Eric Rucker's pro se July 18, 2025 notice of appeal of an August 16, 2022 circuit court order, which dismissed his complaint seeking judicial review of a Labor and Industry Review Commission decision. The court of appeals explained that "[t]he time for appealing from the August 2022 dismissal of his request for judicial review is now long expired, and it cannot be revived by filing a new notice of appeal." Accordingly, the court of appeals refused to docket the appeal.

On October 20, 2025, Rucker filed a document addressed to this court, but listing the court of appeals in the caption, titled "Motion for reconsideration and petitions for review," in which Rucker indicated his intent "to appeal to final verdict of September 5th, 2025." To the extent that document sought reconsideration of the court of appeals' September 5, 2025 order, the court of appeals issued an order on October 21, 2025, denying the motion for reconsideration.

Now pending before this court is the portion of Rucker's October 20, 2025 filing in which he indicated his intent to seek review in this court of the court of appeals' September 5, 2025 order. This court is without jurisdiction to consider Rucker's petition for review.

Petitions for review must be filed within 30 days of the decision of the court of appeals, Wis. STAT. § 808.10(1), unless the petitioner files a timely motion for reconsideration, in which case the 30 days "start on the date the court of appeals determines the motion for reconsideration . . ." Wis. STAT. § 808.10(2). Rucker's filing

RUCKER V. LABOR AND INDUSTRY REVIEW COMMISSION
No. 2024XX519

indicates that he seeks review of the court of appeals' September 5, 2025 order. As the petition for review was filed more than 30 days after the date of that order, it is untimely. Nor can Rucker's request for "reconsideration" to the court of appeals extend the time for filing the petition for review because the motion for reconsideration is itself untimely, as it was filed more than 20 days after the September 5, 2025 order. *See Wis. Stat. § 808.10(2)* (a motion for reconsideration must be filed "within 20 days after the date of a decision of the court of appeals").

The 30-day time limit for filing a petition for review is jurisdictional and strictly enforced. *First Wis. Nat'l Bank v. Nicholaou*, 87 Wis. 2d 360, 365, 274 N.W.2d 704 (1979). Therefore,

IT IS ORDERED that the petition for review is dismissed; and

IT IS FURTHER ORDERED that to the extent that Rucker's October 20, 2025 filing sought waiver of the statutory fee for filing a petition for review, that request is denied as moot.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:

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