

# Supreme Court of Wisconsin

FILED  
03-11-2026  
CLERK OF WISCONSIN  
SUPREME COURT



Nos. 2025AP2334-NM  
2025AP2335-NM

STATE V. D.M.L.

L.C. #s 2023TP189  
2023TP190

March 11, 2026

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

The court of appeals issued its decision in this proceeding on January 6, 2026. A petition for review, conforming to the requirements of WIS. STAT. §§ 808.10 and (Rule) 809.62 must be filed in this court, pursuant to WIS. STAT. § 809.80, within 30 days of the court of appeals' adverse decision or within 30 days of the court of appeals' decision on a timely field motion for reconsideration. *See* WIS. STAT. §§ 808.10 and (Rule) 809.80. In this instance, the deadline for plaintiff-appellant, D.M.L., to file a petition for review was February 5, 2026.

On February 17, 2026, the court received D.M.L.'s pro se petition for review. The petition was dismissed on February 17, 2026, as untimely. On March 6, 2026, this court received D.M.L.'s motion for reconsideration of the dismissal of his petition for review. In his motion for reconsideration, D.M.L. represents that the court should accept the petition for review as timely filed pursuant to the prison mailbox rule. Although the time period for filing a petition for review is tolled when an incarcerated person places the petition into the prison mail system, in this case the filing indicates that the period had already expired by the time D.M.L. signed his petition for review on February 9, 2026, and placed it in the prison mail system. *See State ex rel. Nichols v. Litscher*, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292. Accordingly,

IT IS ORDERED that the motion for reconsideration is denied. The petition for review was properly dismissed.

Samuel A. Christensen  
Clerk of Supreme Court

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