
Supreme Court of Wisconsin

FILED

09-03-2026

CLERK OF WISCONSIN
SUPREME COURT

No. 2026AP1271-W

REIF V. KUSSEL

L.C.#2005FA105

September 3, 2026

The Court has entered the following order:

On May 27, 2026, a petition for writ of mandamus, with exhibits, a document entitled "Notice of Fee Schedule and Commercial Lien for Appellate Court Action," and a cover letter were received from petitioner, Daniel John Reif, pro se, and were filed by the clerk of the supreme court. Various parts of the documents and the envelope in which they arrived, including references to a Justice of this court, indicated that they were intended to be filed in the supreme court, and that is what the clerk of this court did.

In addition, Reif also filed a form containing a petition for waiver of the filing fee for the writ petition and an affidavit of indigency. On June 12, 2026, the clerk of this court issued an order denying the fee waiver petition on the ground that the information set forth in the affidavit of indigency, including that Reif had \$0 in income and \$0 in assets, was incredible.

On July 28, 2026, Reif filed a document addressed to the Clerk of the Supreme Court entitled "Affidavit of Fact and Demand for Due Process." This document was inadvertently and erroneously submitted to the court of appeals, District III, rather than to this court. On July 31, 2026, the court of appeals issued an order deeming the "Affidavit of Fact and Demand for Due Process" to be a motion for reconsideration of the June 12, 2026 order denying the petition for waiver of the filing fee. The July 31, 2026 order remanded the fee waiver issue to the Shawano County circuit court for an evidentiary hearing and factual findings on whether Reif lacked the financial resources to pay the \$195 filing fee for his petition for writ of mandamus. As the mandamus petition was filed in and pending in the supreme court, this July 31, 2026 order was issued by the court of appeals in error, and it will be vacated. The Shawano County circuit court is not required to conduct an evidentiary hearing.

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On August 25, 2026, Reif filed a document entitled “Affidavit of Objecting to Remand, Correcting the Record, and Demand for Immediate Determination.” This document, inter alia, objected to the remand of the fee waiver issue to the Shawano County circuit court.

Given the erroneous issuance of the July 31, 2026 order, and in order to move this writ proceeding to a final disposition, the court will waive the filing fee for the writ petition in this specific proceeding. The waiver of the filing fee by the court in this proceeding does not constitute a reversal of the clerk’s determination that the amounts set forth in the affidavit of indigency were incredible, nor does the waiver granted by this court in this proceeding have any effect on a petition for waiver of the filing fee in any future proceeding. The waiver simply means that this court is considering the merits of Reif’s current petition for a writ of mandamus without the payment of the \$195 filing fee.

Having considered the merits of the mandamus petition, the court concludes that the petition fails to meet the requirements for the issuance of a writ of mandamus. Accordingly,

IT IS ORDERED that the July 31, 2026 order issued by the court of appeals in this writ proceeding is vacated as having been issued in error; and

IT IS FURTHER ORDERED that, for purposes of this writ proceeding only, this court waives payment of the \$195 filing fee; and

IT IS FURTHER ORDERED that the petition for a writ of mandamus and all other requests for relief made by the petitioner in his filings in this proceeding are denied, ex parte.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:

Hon. William F. Kussel Jr. (Electronic Notice)
Ethan Schmidt, Clerk of Circuit Court (Electronic Notice)
Brian Keenan (Electronic Notice)
Larenda J. Maulson (Electronic Notice)
Daniel John Reif (U.S. Mail)