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SUPREME COURT

Supreme Court of Wisconsin

NO. 2026AP2294-W **WHITE V. CIRCUIT COURT FOR RACINE COUNTY** **L.C. #2025CF111**

October 22, 2026

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

On September 25, 2026, Henry Lee White, pro se, moved the court for a writ of prohibition preventing the circuit court "from entering orders extending the one-year period set forth by [WIS. STAT. §] 808.08(3)" for conducting "further proceedings" following a remand order from the court of appeals. The court construes the filing as a petition for a writ of prohibition. Mr. White also filed various motions and requests for relief associated with his petition.

Mr. White's present petition is virtually identical to a petition he filed on August 10, 2026, seeking the same relief, which this court dismissed by order dated August 20, 2026. Like his previous petition, Mr. White's current petition is unaccompanied by an affidavit and fails to allege facts that would entitle him to supervisory relief. *State ex rel. CityDeck Landing LLC v. Cir. Ct. for Brown Cnty.*, 2019 WI 15, ¶¶28-29, 385 Wis. 2d 516, 922 N.W.2d 832; WIS. STAT. § 783.08. At the most basic level, Mr. White's petition fails to explain what "further proceedings" under WIS. STAT. § 808.08(3) he is seeking to prevent the circuit court from conducting. *See State ex rel. J.H. Findorff & Son, Inc. v. Circuit Court*, 2000 WI 30, ¶21, 233 Wis. 2d 428, 608 N.W.2d 679 ("further proceedings" under § 808.08(3) are those in which "a circuit court may exercise discretion in discharging its duties on remand[.]").

Additionally, none of the authorities cited by Mr. White establish that it would have been impractical for him to seek the requested writ in the court of appeals. *See* WIS. STAT. § (Rule) 809.71(1). Mr. White's filings seem to say that he is unable to seek relief in the court of appeals because he believes the court of appeals has lost jurisdiction to adjudicate a direct appeal of his underlying criminal conviction because the State Public

Defender has yet to appoint postconviction counsel to him. But Mr. White's filings fail to point to anything in the record indicating that the court of appeals has concluded that his direct appeal rights have lapsed or that it lacks jurisdiction to adjudicate an appeal by him. And Mr. White has not explained how the status of his direct appeal rights has any bearing on whether it is impractical for him to first seek *supervisory relief* in the court of appeals under WIS. STAT. § (Rule) 809.51, as is required by WIS. STAT. § (Rule) 809.71(1), before seeking such relief in this court. Accordingly,

IT IS ORDERED that Mr. White's September 25, 2026 petition for a writ of prohibition and all accompanying motions and requests are dismissed.

Samuel A. Christensen
Clerk of Supreme Court

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