FILED
10-22-2026
CLERK OF WISCONSIN
SUPREME COURT

Supreme Court of Wisconsin

NO. 2025AP2018 **STATE V. EMIG** **L.C. #2020CF117**

October 22, 2026

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

The court having construed the document dated on September 16, 2026, postmarked on October 14, 2026, and filed on October 22, 2026, by defendant-appellant, Tyrone L. Emig, Jr., pro se, as a motion to extend the time in which to file a petition to review the court of appeals' decision of September 9, 2026;

IT IS ORDERED that the motion is denied. The 30-day period in which to file a petition for review may not be enlarged. *First Wisconsin National Bank of Madison v. Nicholaou*, 87 Wis. 2d 360, 274 N.W.2d 704 (1979). In addition, the motion may not be construed as a timely, but nonconforming petition for review because there is no indication in the motion that Mr. Emig placed it in the prison mail system within 30 days of the date of the court of appeals' decision, i.e., by October 9, 2026. *See* WIS. STAT. § 808.10 (setting 30-day filing deadline for petition for review); *see also See State ex rel. Nichols v. Litscher*, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292 (holding that, for certain court filings, the filing deadline is tolled on the date a pro se prisoner delivers a filing to the proper prison authorities for mailing). We note that Mr. Emig states in his motion that "[t]he postmark should be enough to indicate the mail date." The postmark date for Mr. Emig's filing—October 14, 2026—falls beyond the applicable October 9, 2026 deadline.

IT IS FURTHER ORDERED that the clerk of this court is directed to return to Mr. Emig any funds for filing fees enclosed with Mr. Emig's motion.

Samuel A. Christensen
Clerk of Supreme Court

Distribution List:
Hon. Mark T. Slate (Electronic Notice)
Amy Thoma (Electronic Notice)
Kathleen E. Wood (Electronic Notice)
Tyrone L Emig Jr. (U.S. Mail)