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DISTRICT IV

FILED

02-10-2021

**CLERK OF WISCONSIN
COURT OF APPEALS**

February 10, 2021

To:

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You are hereby notified that the Court has entered the following opinion and order:

2020AP363-CR

State of Wisconsin v. Jason J. Hyatt (L.C. # 2014CF57)

Before Kloppenburg, Graham, and Nashold, JJ.

In an order dated January 27, 2021, this court denied pro se appellant Jason Hyatt's motion for an extension of the time to file the appellant's brief, which was due on January 29, 2021. The order stated that Hyatt had not shown good cause for an extension; that Hyatt had previously been cautioned not to expect additional extensions of this deadline; and that Hyatt should expect dismissal if he did not timely file his brief.

Hyatt now moves for reconsideration of this court's January 27, 2021 order and renews his request for an extension. He asserts that he is in a prison that has undergone varying degrees of lockdown over the past year due to the COVID-19 pandemic. He also asserts that his ability to file the brief has been negatively affected by his solitary confinement in a maximum security institution, and by his indigence.

We deny Hyatt's motion and dismiss this appeal. Hyatt filed the appeal in February 2020, and his brief was originally due in early June 2020. Since that time, this court has granted him six extensions of the time to file his brief, based largely on the same or similar grounds he asserts now. The court's orders have repeatedly cautioned Hyatt not to expect further extension of this deadline. Moreover, Hyatt does not claim that he has been wholly unable to perform legal work since February 2020 or even since June 2020. On the contrary, a review of this court's file shows that despite restrictions attributable to the COVID-19 pandemic, Hyatt previously represented that his institution's law library was open for approximately three months during 2020 and that, for at least part of his time in solitary confinement, Hyatt was afforded access to Westlaw beyond what he would have received in the general population. Despite this access to legal resources, Hyatt has stated that, as of January 21, 2021, he was "not much closer to submitting a brief" than he was a year ago when he filed this appeal.

We acknowledge the difficulties of conducting pro se litigation from prison while indigent, and we also acknowledge that those difficulties have been compounded by the COVID-19 pandemic. However, having considered all of the circumstances, we conclude that Hyatt has not shown good cause for a further extension of the time to file his brief. Notably, these circumstances include Hyatt's own representations regarding his lack of progress on a brief despite the legal resources available to him during some periods of time over the last year that his appeal has been

pending. Finally, Hyatt has not otherwise presented any new information that would cause this court to reconsider its prior order.

Therefore,

IT IS ORDERED that the motion for reconsideration is denied.

IT IS FURTHER ORDERED that this appeal is dismissed.

Sheila T. Reiff
Clerk of Court of Appeals