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January 10, 2023

To:

Hon. Stephen E. Ehlke
Circuit Court Judge
Branch 15
215 S. Hamilton St., Rm. 7107
Madison, WI 53703

Carlo Esqueda
Clerk of Circuit Court
Dane County Courthouse
215 S. Hamilton St., Rm. 1000
Madison, WI 53703

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P.O. Box 7857
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Pastori M. Balele
6777 Schroeder Rd. #4
Madison, WI 53711

You are hereby notified that the Court, by its Clerk and Commissioners, has entered the following order:

No. 2023XX31

Balele v. McHugh, L.C. #2020CV1722

On January 6, 2023, Pastori M. Balele, pro se, filed a document titled "Pastori M. Balele's Petition for Bypass to Wisconsin Supreme Court," which appears to seek to challenge certain circuit court orders entered in Balele v. McHugh, et al., Dane County Case No. 2020CV1722.

IT IS ORDERED that the "Petition for Bypass to Wisconsin Supreme Court" is dismissed. There is no statutory authority for a litigant to seek bypass to this court directly from the circuit court. See Wis. Stat. § 808.05; Wis. Stat. Rule 809.60. This court may grant a petition for bypass only if the matter is pending in the court of appeals. See id.; see also Milwaukee Brewers Baseball Club v. Wisconsin Dep't of Health & Soc. Servs., 130 Wis. 2d 56, 62-63, 387 N.W.2d 245 (1986) (noting dismissal of initial petition to bypass as premature because the briefs on appeal had not been filed). Thus, a bypass petition is not a viable means to avoid filing restrictions imposed by the court of appeals due to previous abuse of the appellate process. Cf. Balele v. Roggensack, Case No. 2016AP2534, unpublished order (Wis. Ct. App. Nov. 2, 2017) (requiring Mr. Balele to obtain permission from the court of appeals prior to initiating proceedings there). Because there is no appeal pending in the court of appeals from any order entered in Balele v. McHugh, et al.,

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Dane County Case No. 2020CV1722, the “Petition for Bypass to Wisconsin Supreme Court” must be dismissed.

Sheila T. Reiff
Clerk of Supreme Court