

FILED  
10-28-2024  
CLERK OF WISCONSIN  
SUPREME COURT



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**Supreme Court of Wisconsin**

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October 28, 2024

**To:**

Hon. Vicki L. Clussman  
Circuit Court Judge  
Electronic Notice

Micaela E. Haggenjos  
Electronic Notice

Yvette Kienert  
Clerk of Circuit Court  
Waupaca County Courthouse  
Electronic Notice

Samuel C. Hall Jr.  
Electronic Notice

Kevin Landgraf  
Electronic Notice

\*Distribution list continued on Page 2.

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

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No. 2023AP1383

Kuhnke v. Waupaca County Sheriff's Dept., L.C.# 2023CV140

The court has received the pro se motion of petitioner-appellant, Leroy K. Kuhnke, for reconsideration its October 9, 2024 order dismissing the petition for review filed in this case. By order dated September 10, 2024, Mr. Kuhnke was to have filed a statement in support of his petition for review, conforming to the requirements of Wis. Stat. §§ 809.62(2) and (4), by September 30, 2024.

On October 9, 2024, the same day the court dismissed Mr. Kuhnke's petition for review, the clerk of court received Mr. Kuhnke's "Statement on Petition for Review." The court notes that the statement and certificate of mailing are dated September 26, 2024, and the envelope indicates that the statement was mailed through the prison mail system by September 30, 2024. The time period for filing a petition for review is tolled when an incarcerated person places the petition into the prison mail system; in this case, the statement was timely filed. See State ex rel. Nichols v. Litscher, 2001 WI 119, 247 Wis. 2d 1013, 635 N.W.2d 292. Therefore,

IT IS ORDERED the motion is granted and petitioner-appellant Leroy K. Kuhnke's petition for review of the court of appeals' March 7, 2024 decision is reinstated; and,

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IT IS FURTHER ORDERED that any response to the petition for review shall be served and filed by November 11, 2024.

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Samuel A. Christensen  
Clerk of Supreme Court

Distribution list continued:

Diane L. Meulemans  
Electronic Notice

Leroy K. Kuhnke 252207  
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P.O. Box 925  
Redgranite, WI 54970-0925

Redgranite Correctional Institution  
Business Office  
P.O. Box 900  
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Waupaca County Sheriff's Department  
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