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Supreme Court of Wisconsin

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FILED

04-25-2025

CLERK OF WISCONSIN

SUPREME COURT

April 25, 2025

To:

Hon. Jane M. Sequin
Circuit Court Judge
Electronic Notice

James Allen Nichols 328020
Electronic Notice

Caroline Brazeau
Clerk of Circuit Court
Marinette County Courthouse
Electronic Notice

James Allen Nichols 328020
Jackson Correctional Institution
P.O. Box 233
Black River Falls, WI 54615

John Blimling
Electronic Notice

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

No. 2024AP655-W

Nichols v. Tegels, L.C. #2007CF5

On June 27, 2024, James Allen Nichols, pro se, filed a petition for review of a court of appeals decision, dated April 29, 2024, dismissing his petition for writ of habeas corpus, following the denial of his timely motion for reconsideration. Mr. Nichols did not pay the requisite statutory filing fee at that time. See WIS. STAT. § (Rule) 809.25(2). The same day as the petition for review was filed, the clerk of this court issued a notice indicating that Mr. Nichols was required to pay the statutory filing fee of \$195.00 within ten days, or his petition was subject to dismissal. Mr. Nichols did not timely pay the statutory filing fee. The clerk of this court later entered an order dismissing the petition for review for failure to pay the filing fee. In the interim, the State filed a letter response, opposing the petition.

On April 24, 2025, an individual appeared at the clerk's office on Mr. Nichols' behalf and paid the filing fee. The same day, Mr. Nichols filed a motion to reinstate his petition for review in which alleges that he was unaware of the dismissal order until recently and had no knowledge of the filing fee requirement.

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Mr. Nichols' petition for review was timely filed, and the failure to timely pay the requisite filing fee does not affect the jurisdiction of the court. See WIS. STAT. § (Rule) 809.83(2). In any event, the fee has now been paid. Therefore,

IT IS ORDERED that the dismissal order entered March 27, 2025 (dated August 11, 2024) is vacated;

IT IS FURTHER ORDERED that a decision on Mr. Nichols' petition for review will issue in due course; and

IT IS FURTHER ORDERED that in light of Mr. Nichols' representations that he did not receive notice of previous orders of this court through the e-filing system, a copy of this order and all future orders in this case shall be mailed to Mr. Nichols at the institution in which he is presently confined, in addition to being submitted through the e-filing system.

Samuel A. Christensen
Clerk of Supreme Court