



OFFICE OF THE CLERK
Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

FILED

08-15-2025

CLERK OF WISCONSIN

SUPREME COURT

August 15, 2025

To:

Hon. William Sosnay
Circuit Court Judge
Electronic Notice

Jody J. Schmelzer
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Melvin Shelton
124 W. Hadley Street
Milwaukee, WI 53212

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

No. 2023AP1243

Shelton v. Kincaid, L.C. #2023CV1389

On April 22, 2025, the court of appeals issued its final decision in this appeal, summarily affirming the circuit court's order dismissing the complaint of plaintiff-appellant, Melvin Shelton. On May 12, 2025, Mr. Shelton filed a timely motion for reconsideration of the court of appeals' decision. The motion for reconsideration was denied by the court of appeals in an order dated May 13, 2025. Under Wis. Stat. § 808.10(2), the 30-day period in which to file a petition for review started on the date the court of appeals denied the motion for reconsideration. In this case, the operation of Wis. Stat. § 808.10(2) established that the deadline for the clerk of this court to receive the plaintiff-appellant's petition for review was June 12, 2025.

On July 31, 2025, the clerk of this court received a petition for review signed by the plaintiff-appellant. No petition for review was received prior to that date. Because the petition for review was received more than 30 days after the date of the court of appeals' order denying the motion for reconsideration in that court, on July 31, 2025, the clerk of this court issued an order dismissing the petition for review as untimely. See First Wisconsin Nat'l Bank of Madison v. Nicholaou, 87 Wis. 2d 360, 274 N.W.2d 704 (1979).

Page 2

August 15, 2025

No. 2023AP1243

Shelton v. Kincaid, L.C. #2023CV1389

The plaintiff-appellant has now filed a motion for reconsideration of the July 31, 2025 order dismissing his petition for review as untimely. The plaintiff-appellant alleges in the motion that on June 13, 2025, he “sent” a petition for review to this court and that he sent a second petition for review on July 24, 2025. First, as the plaintiff-appellant is a traditional paper filer, he was responsible for assuring that his petition for review was physically received by the clerk of this court within the 30-day period. See Gunderson v. State, 106 Wis. 2d 611, 318 N.W.2d 779 (1982). No petition for review was received by the clerk of this court until July 31, 2025. Second, even under the facts alleged in the plaintiff-appellant’s motion, the factual allegations demonstrate on their face that his petition for review was untimely. Mr. Shelton alleges that he “sent” (i.e., mailed) the petition for review initially on June 13, 2025, but the 30-day deadline for the clerk of this court to receive his petition had already expired on June 12, 2025. Consequently, there is no dispute that the plaintiff-appellant’s petition for review was untimely and was properly dismissed by the clerk of this court. Accordingly,

IT IS ORDERED that the motion for reconsideration is denied.

Samuel A. Christensen
Clerk of Supreme Court