

**COURT OF APPEALS
DECISION
DATED AND FILED**

December 30, 2002

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 02-0993

Cir. Ct. No. 01 SC 34683

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

SUKHBINDER SINGH,

PLAINTIFF-APPELLANT,

v.

**OFFICER WILLIAMS, OFFICER CAVAN, UNIVERSITY OF
WISCONSIN A/K/A UWM, UWM FOUNDATION, UWM POLICE
DEPARTMENT, AND UWM CHIEF OF POLICE PHIL CLARK,**

DEFENDANTS-RESPONDENTS.

APPEAL from an order of the circuit court for Milwaukee County:
KITTY K. BRENNAN, Judge. *Affirmed.*

¶1 FINE, J. Sukhbinder Singh appeals from an order of the circuit court in small claims, *see* WIS. STAT. ch. 799, denying his motion to reopen a small-claims judgment dismissing his lawsuit against the defendants.¹ We affirm.

¶2 Singh sued the defendants claiming that they violated his rights by arresting him without probable cause on September 11, 2001. They filed a motion to dismiss Singh's complaint and a circuit court commissioner held a hearing on December 7, 2001. Singh appeared *pro se*. The defendants appeared by their lawyer. The court commissioner granted the defendants' motion.

¶3 The next court appearance reflected by the record is Singh's *pro se* appearance on March 22, 2002, in circuit court seeking a hearing on his motion to reopen the dismissal entered by the court commissioner on December 7, 2001. There was no appearance by the defendants or their lawyer.

¶4 Singh's motion to reopen was dated and filed March 20, 2002. He did not seek a trial in the circuit court following the court commissioner's decision. *See* WIS. STAT. §§ 799.207(2)(b) ("Either party may file a demand for trial within 10 days from the date of an oral decision [by the court commissioner] or 15 days from the date of mailing of a written decision [of the court commissioner] to prevent the entry of the judgment.") & 799.207(3)(c) ("The demand for trial must be filed with the court and mailed to the other parties within 10 days from the date of an oral decision [of the court commissioner] or 15 days from the date of mailing of a written

¹ Singh's notice of appeal asserts that it is from the circuit court's "judgment" declining to reopen the dismissal of his claim. A judicial determination either granting or denying a motion, however, is an order, not a judgment. *See* WIS. STAT. RULE 802.01(2)(a) ("An application to the court for an order shall be by motion."). RULE 802.01(2)(a) is made applicable to small-claims actions by WIS. STAT. § 799.04(1).

decision [of the court commissioner].”). He also did not appeal the judgment of dismissal entered by the commissioner. *See* WIS. STAT. §§ 799.30 (“An appeal of a judgment or order under this chapter shall be to the court of appeals.”) & 799.24(1) (commissioner or court clerk enters judgment “in the court record”).

¶5 The record entries reflect that the circuit court denied Singh’s motion to reopen the small-claims judgment dismissing his action against the defendants because the “Court finds no excusable neglect.” There is no further explanation, and there is no transcript of the March 22, 2002, proceedings in the appellate record.

¶6 Although as the appellant, Singh, has the burden to tell us *why* he believes that the circuit court erred in not granting his motion to reopen the December 7, 2001, judgment he does not do so, beyond his mere assertion of that contention. Additionally, he makes no reference to the criteria in WIS. STAT. RULE 806.07, which permits a circuit court to reopen a judgment for various reasons. Accordingly, we affirm. *See State v. Shaffer*, 96 Wis.2d 531, 545–546, 292 N.W.2d 370, 378 (Ct. App. 1980) (amorphous and undeveloped contentions will not be considered); *State Bank of Hartland v. Arndt*, 129 Wis.2d 411, 423, 385 N.W.2d 219, 225 (Ct. App. 1986) (burden is on moving party to ensure that the record is sufficient to address the issues raised on appeal).

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)4.

