

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**July 5, 2012**

Diane M. Fremgen  
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. 2011AP515**

**Cir. Ct. No. 2008CV2477**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT IV**

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**THOMAS D. STANTON,**

**PLAINTIFF-APPELLANT,**

**V.**

**ALFONSO GRAHAM, WILLIAM RANKIN, DAVID BRAITHWAITE, KENNETH  
L. LUND AND PETER F. MANNENBACH,**

**DEFENDANTS-RESPONDENTS,**

**QUALA CHAMPAGNE, BRENT BOEHLKE, JOE LONGUEVILLE, ROSE ANN  
BISCH, AMY LANG AND INTERSTATE COMMISSION FOR ADULT  
OFFENDER SUPERVISION,**

**DEFENDANTS.**

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APPEAL from orders of the circuit court for Dane County:  
SHELLEY J. GAYLORD, Judge. *Affirmed.*

Before Vergeront, Higginbotham and Sherman, JJ.

¶1 PER CURIAM. Thomas Stanton appeals several orders dismissing the defendants named in his civil complaint. We affirm.

¶2 Stanton first argues that Minnesota officials violated his right to due process by declining to accept his parole transfer from Wisconsin for “false, insufficient or capricious reasons.” We reject the argument as inadequately developed. The circuit court dismissed the claims against the Minnesota defendants on the grounds that Stanton did not have a constitutional right to parole transfer. Stanton’s brief does not develop an argument on that point, and therefore does not persuade us that the circuit court erred. *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). While we make some allowances for the failings of parties who, as here, are not represented by counsel, “[w]e cannot serve as both advocate and judge.” *Id.*, 171 Wis. 2d at 647.

¶3 Stanton’s second argument is that Wisconsin officials violated Stanton’s due process rights and rules governing the Interstate Compact for Adult Offender supervision, and abused their discretion by not pursuing mediation, arbitration, and dispute resolution with Minnesota authorities. This argument is also not sufficiently developed. The only legal provisions Stanton cites are general ones in the compact that relate to establishment of a dispute resolution mechanism. *See* WIS. STAT. § 304.16(8)(f)10. and (9) (2009-10).<sup>1</sup> He does not point to any specific provision that required a Wisconsin official to do any particular act on the facts Stanton has alleged. Furthermore, although the circuit court rejected these claims on the ground that prisoners do not have standing to

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2009-10 version unless otherwise noted.

bring actions to enforce the compact's provisions, Stanton has not cited any legal authority showing that prisoners have such standing.

¶4 Stanton's third argument is that his due process rights were violated at the parole rescission hearing. We treat this argument as relating to two separate claims: a certiorari claim for reversal of the rescission decision, and a tort action under 42 U.S.C. § 1983 for money damages or other relief. As to Stanton's claims under § 1983, the circuit court dismissed these in part on grounds of judicial immunity for certain decisionmakers, and qualified immunity as to a State Public Defender administrator who declined to appoint counsel. Stanton's briefs on appeal do not address the immunity issues, and therefore he has not persuaded us that the circuit court erred.

¶5 As to Stanton's claim in certiorari for reversal of the rescission decision, the circuit court dismissed this on the ground of mootness. Because Stanton was later granted parole, the court stated that the only relief he could obtain now on certiorari would be correction of the prison record, but "there is nothing substantive to correct."

¶6 On appeal, Stanton's opening brief makes no argument about mootness. In his reply brief, Stanton argues that the parole rescission is recorded in his prison files and has adversely impacted his efforts at rehabilitation after his 2008 release on parole "by prejudicing and impeding a renewed pursuit of another transfer of parole supervision to Minnesota." However, Stanton's brief does not describe any facts about an attempt to transfer to Minnesota after his 2008 parole. Therefore, Stanton has not persuaded us that reversing the rescission decision would provide him any meaningful relief.

¶7 Finally, Stanton argues that the circuit court erred by deciding this case without ordering the certiorari record from the agency. Because the claim for certiorari review is moot, this argument also appears to be moot.

*By the Court.*—Orders affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

