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**DISTRICT IV**

January 31, 2014

To:

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You are hereby notified that the Court has entered the following opinion and order:

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2012AP2175

Peter Canales v. Alicia Maria Hahn and James Adam Canales  
(L.C. #2010FA171)

Before Blanchard, P.J., Lundsten and Kloppenburg, JJ.

Peter Canales appeals the denial of a reconsideration motion concerning grandparent visitation. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12). We summarily affirm.

This matter arose from a motion for special grandfather visitation. The circuit court denied the motion, and subsequently denied a reconsideration motion. Canales's notice of

appeal purported to appeal from both the original order denying visitation and the order denying reconsideration.

By order dated March 1, 2013, this court concluded that the order denying visitation was a final and appealable document from which Canales failed to file a timely notice of appeal. Accordingly, we held that jurisdiction over the present appeal was limited to the reconsideration order to the extent that it involved new issues not determined in the original order regarding grandparent visitation. *See Silverton Enters., Inc. v. General Cas. Co.*, 143 Wis. 2d 661, 665, 422 N.W.2d 154 (Ct. App. 1988).

We conclude that Canales's motion does not raise an issue that was not determined in the order sought to be reconsidered. Reconsideration cannot merely attempt to relitigate that which had been disposed of by the circuit court. *See Marsh v. City of Milwaukee*, 104 Wis. 2d 44, 48, 310 N.W.2d 615 (1981). Canales's contention that the circuit court misapplied *Martin L. v. Julie R.L.*, 2007 WI App 37, 299 Wis. 2d 768, 731 N.W.2d 288, is just such an attempt, and we therefore reject it.

However, even if we were to review the merits, we would affirm the circuit court. Canales primarily disputes the circuit court's original ruling denying him visitation and essentially asks us to reweigh the evidence. Canales claims that the court focused "entirely on the negative allegations" and ignored his positive attributes revealed by the evidence at trial. However, the court's silence with respect to certain evidence does not indicate that the court ignored the evidence. Moreover, we will not reweigh the evidence or reassess credibility. *Dickman v. Vollmer*, 2007 WI App 141, ¶14, 303 Wis. 2d 241, 736 N.W.2d 202.

It is apparent that the court applied a proper standard of law. The court considered proper factors in its original order, and its reasoned decision concerning the best interests of the child is sufficiently supported in the record. We will not disturb the circuit court's determination.

Upon the foregoing,

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21 (2011-12).

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*