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**DISTRICT I/IV**

July 8, 2015

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

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2014AP2108

Epsie Hinton v. Housing Authority of the City of Milwaukee  
(L.C. # 2013CV6800)

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

Epsie Hinton appeals a circuit court order denying her motion for attorney's fees. 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 (2013-14).<sup>1</sup> We summarily affirm.

Hinton sought certiorari review in the circuit court of a decision of the Housing Authority of the City of Milwaukee to terminate her participation in a rent assistance program. In an order

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

entered on April 6, 2014, the circuit court reversed the Authority's decision. Hinton then filed a motion for attorney's fees, arguing that the certiorari reversal makes her the equivalent of a "prevailing party" under 42 U.S.C. § 1983, entitling her to attorney's fees under 42 U.S.C. § 1988(b). The circuit court denied the motion for attorney's fees in an order entered June 12, 2014, and Hinton now appeals.

We conclude that the published decision in *Franklin v. Housing Auth. of Milwaukee*, 155 Wis. 2d 419, 455 N.W.2d 668 (Ct. App. 1990), is controlling. In *Franklin*, we reversed a circuit court order upholding the Authority's decision to discontinue Franklin's participation in a rent assistance program. Franklin's complaint also sought damages and attorney's fees. We disposed of the request in a footnote, stating, "Because these matters require inquiry beyond the agency's record, they are beyond the scope of common law certiorari review." *Franklin*, 155 Wis. 2d at 430 n.39. This court is generally bound by its own published precedent. *State v. Wofford*, 202 Wis. 2d 523, 530, 551 N.W.2d 46 (Ct. App. 1996). Hinton provides us with no basis to distinguish *Franklin*. In fact, after the Authority explicitly relies on *Franklin* in its brief on appeal, Hinton fails to address this precedent in its reply brief, conceding the question. *See Charolais Breeding Ranches, Ltd. v. FPC Secs. Corp.*, 90 Wis. 2d 97, 109, 279 N.W.2d 493 (Ct. App. 1979). Following *Franklin*, 155 Wis. 2d at 430 n.39, we affirm the circuit court's order denying Hinton's motion for attorney's fees, because the matter is beyond the scope of certiorari review.

IT IS ORDERED that the order is summarily affirmed under WIS. STAT. RULE 809.21(1).

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*Diane M. Fremgen*  
Clerk of Court of Appeals