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**DISTRICT IV**

January 20, 2017

To:

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

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2015AP1539

State of Wisconsin ex rel. Walter J. Kuranda, Jr. v. Gary H.  
Hamblin (L.C. # 2013CV1925)

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

Walter Kuranda appeals an order denying a motion to amend a judgment to receive costs and 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 (2015-16).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

Kuranda filed this certiorari action in 2013. The circuit court dismissed the petition as untimely, but on appeal we reversed and held that the matter should be remanded to the Department of Corrections for further proceedings. After our decision, Kuranda moved the circuit court for an award of costs for both the circuit court litigation and the appeal. The court denied that motion, and Kuranda appeals the order.

As to costs and fees in this court, we denied that request in the previous appeal, and there is nothing the circuit court could have done to change that. Accordingly, there is no basis for us to reverse that part of the order.

As to costs in circuit court, the respondent warden argues that these are barred by “the plain language” of WIS. STAT. § 814.25(2)(a), which bars costs “if a prisoner brings an action or special proceeding related to prison or jail conditions.”

We agree with the warden, but our analysis is more detailed. The quoted statutory phrase above includes two terms that are defined for purposes of that statute. WIS. STAT. § 814.25(1). We conclude that Kuranda meets the definition of “prisoner” because he is a person imprisoned in a correctional institution who does not meet any of the provided exceptions. *See* WIS. STAT. § 801.02(7)(a)2. We also conclude that this certiorari action seeking review of a prison discipline decision qualifies as one related to “prison or jail conditions” because it meets that definition by being a “matter related to ... the effects of actions by government officers, employees or agents on the lives of prisoners.” *See* WIS. STAT. § 801.02(7)(a)3.

Kuranda appears to be arguing that the above analysis should not be followed because the circuit court should have construed his writ petition instead as an action under 42 U.S.C. § 1983, under which, according to Kuranda, costs would be allowed. There is no basis to conclude that

the court should have reconstrued the document that Kuranda clearly labeled as a “petition for writ of certiorari,” when certiorari was a proper legal method to obtain the relief Kuranda sought at that time.

Kuranda also makes arguments related to the remand to the Department of Corrections, or what the department did after that remand. Those issues are not before us in this appeal from the order on costs.

IT IS ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21.

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