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DISTRICT IV

April 23, 2018

To:

Hon. Shelley J. Gaylord
Circuit Court Judge
215 S. Hamilton St., Br. 6, Rm 5105
Madison, WI 53703

Carlo Esqueda
Clerk of Circuit Court
215 S. Hamilton St., Rm. 1000
Madison, WI 53703

David M. Flores
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Middleton, WI 53562

Valerie Lynn Kreger
P.O. Box 628582
Middleton, WI 53562

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

2016AP1430

Valerie Lynn Kreger v. David M. Flores (L.C. # 2009FA1232)

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

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Valerie Lynn Kreger, pro se, appeals the circuit court's order denying her request to waive costs for an appeal of a post-adjudication order in a paternity case against David Flores. Based upon our review of the brief¹ and record, we conclude at conference that this case is

¹ Flores did not file a respondent's brief. By order dated November 10, 2017, this appeal was submitted to us "to determine whether the case may be decided based solely upon the appellant's brief and the record."

appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2015-16).² For the reasons discussed below, we affirm.

According to Kreger, this appeal stems from the circuit court’s denial of her contempt motion for perjury. Kreger argues that the circuit court erred in not sanctioning Flores. Kreger further argues that the circuit court then erred in denying her petition for a waiver of fees, which prevented Kreger from appealing the denial of her contempt motion.

A request for waiver of transcript costs and filing fees is governed by *State ex rel. Girouard v. Circuit Court for Jackson County*, 155 Wis. 2d 148, 159, 454 N.W.2d 792 (1990). In that case, our supreme court explained that “a meritless assertion by a putative appellant will not furnish a foundation for a judicially ordered waiver of fees.” *Id.* Instead, “[t]he individual must be found to be indigent by the court, and the person must present a claim upon which relief can be granted.” *Id.* Moreover, the “claim [must be] arguably meritorious.” *Id.* (quoted source omitted).

Kreger fails to develop an argument to show that she has an arguably meritorious claim for appeal. Specifically, Kreger’s arguments do not cite to the “parts of the record relied on” as required by WIS. STAT. RULE 809.19(1)(e), so we are unable to meaningfully evaluate whether Kreger has an arguably meritorious claim that the circuit court erred. *See Grothe v. Valley Coatings, Inc.*, 2000 WI App 240, ¶6, 239 Wis. 2d 406, 620 N.W.2d 463 (“We decline to embark on our own search of the record ... to look for evidence to support [appellant’s] argument.”), *abrogated on other grounds by Wiley v. M.M.N. Laufer Family Ltd. P’ship*, 2011

² All references to the Wisconsin Statutes are to the 2015-16 version unless otherwise noted.

WI App 158, 338 Wis. 2d 178, 807 N.W.2d 236. We therefore affirm the circuit court's order denying Kreger relief on the ground that Kreger has not demonstrated that she has an arguably meritorious claim for appeal. See *Girouard*, 155 Wis. 2d at 159.

Upon the foregoing reasons,

IT IS ORDERED that the order is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals