



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT IV**

September 23, 2021

To:

Hon. Julie Genovese  
Circuit Court Judge  
Electronic Notice

Carlo Esqueda  
Clerk of Circuit Court  
Dane County Courthouse  
Electronic Notice

Mary M. Eldridge

Douglas Richer 102867  
Stanley Correctional Inst.  
100 Corrections Dr.  
Stanley, WI 54768

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

---

2020AP1326

In re the Paternity of T.B.E: Mary M. Eldridge v. Douglas Richer  
(L.C. # 1987PA461)

Before Blanchard, P.J., Fitzpatrick, and Graham, 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).**

Douglas Richer, pro se, appeals a circuit court order that denied his petition challenging paternity and requesting injunctive relief. The respondent has not filed a brief. We previously ordered that this appeal be submitted for a determination of whether the case may be decided based solely upon Richer's brief and the record. We now determine that the appeal may be decided based solely upon Richer's brief and the record. Further, based on our review of

Richer's brief and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2019-20).<sup>1</sup> We affirm.

The record shows that Richer's paternity was established in a 1989 circuit court judgment. In July 2020, Richer filed the petition and request for injunctive relief at issue here. The circuit court denied the petition, concluding that Richer stated no valid grounds to reopen the paternity action.

Richer's arguments on appeal are not well developed. As we understand the petition and attachments that he filed in the circuit court, Richer seeks an order that would reopen the 1989 paternity judgment and require genetic testing. In addition, he seeks an injunction that would prevent his child support debt from being satisfied by tax refunds that, according to Richer, are due solely to his wife's income. Richer also seeks the return of tax refund monies that were previously applied to his child support debt. Based on Richer's submissions, it appears that the refunds were for tax returns that Richer filed jointly with his wife.

To the extent that Richer seeks to reopen the paternity judgment and obtain genetic testing, we agree with the circuit court that Richer has not demonstrated sufficient grounds to reopen the 1989 judgment. Richer does not show that he satisfies any of the criteria under WIS. STAT. § 806.07 for relief from judgment, and Richer does not establish that he is otherwise entitled to reopen the judgment.

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

To the extent that Richer seeks injunctive relief relating to the tax refunds, we decline to consider the issue because Richer’s argument is undeveloped. Richer asserts that using the refunds to satisfy his child support debt is contrary to *Miller v. Miller*, 171 Wis. 2d 131, 491 N.W.2d 104 (Ct. App. 1992). However, Richer does not provide any developed argument explaining why *Miller* would apply under the circumstances here, which are not directly analogous to the circumstances in *Miller*. Although we make some allowances for pro se litigants, “[w]e cannot serve as both advocate and judge” by developing arguments for them. *See State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 164-65, 582 N.W.2d 131 (Ct. App. 1998); *see also M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988) (declining to consider an “unexplained and undeveloped” argument).

Therefore,

IT IS ORDERED that the circuit court’s order is summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

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

---

*Sheila T. Reiff*  
*Clerk of Court of Appeals*