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March 21, 2013

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

2012AP734

In re the Paternity of Natalie R. Hoeller: State of Wisconsin v.
Joseph W. Hoeller and Samantha J. Fait (L.C. #2008FA1282)

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

Joseph Hoeller, pro se, appeals an order dismissing his motion to modify legal custody and physical placement of his minor child. 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 (20011-12).¹ We affirm.

Hoeller moved the circuit court for modification of legal custody and physical placement of his minor child. In January 2012, the matter was referred to Family Court Services (FCS) to

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

conduct a study addressing legal custody and physical placement, and Hoeller was ordered to pay \$75 per month, commencing February 1, for fees associated with the study. On February 17, the circuit court dismissed Hoeller's motion for failure to pay.

Hoeller argues that in dismissing his motion, the circuit court erroneously made a custody decision based upon his economic hardships, in particular his "history of having difficulty in paying for [Guardian ad Litem] fees." Hoeller's argument on appeal is based on the mistaken belief that, in dismissing his motion, the circuit court made a decision on the merits as to custody and placement. The court did not make a decision on the merits, but rather declined to address the merits of Hoeller's motion based on Hoeller's failure to timely comply with the court's January 2012 order obligating him to make regular payments for fees associated with the FCS study. Hoeller has not presented a developed argument as to why the court could not decline to address the merits of his motion. Because Hoeller's argument is insufficiently developed, we do not further address it. See *State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992) (we need not consider inadequately developed arguments).

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

Diane M. Fremgen
Clerk of Court of Appeals