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**DISTRICT IV**

June 14, 2013

To:

Hon. John C. Albert  
Circuit Court Judge  
Dane County Courthouse  
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You are hereby notified that the Court has entered the following opinion and order:

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2011AP1505

State of Wisconsin ex rel. Gregory Sean Gorak v. Gary Boughton  
(L.C. # 2011CV1692)

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

Gregory Gorak appeals an order dismissing his petition for certiorari review of a prison discipline decision. 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 (2011-12).<sup>1</sup>

We affirm.

Gorak argues that the circuit court erred by dismissing his petition as untimely under WIS. STAT. § 893.735(2). According to Gorak's certiorari petition, administrative review by the department was completed November 19, 2010. While that event would normally be the day on

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

which the forty-five day time limit to petition for certiorari would start to run, Gorak argues that in this case that time should run from a later date, when a different inmate complaint was resolved against him. He also argues that his filings in a previous certiorari case should toll the filing time. However, Gorak has not persuaded us that existing law requires that the time be tolled on these facts. Gorak appears to believe that courts have authority to toll the time limit based on equitable concerns other than those specifically provided for in case law for situations where delays may occur outside of the prisoner's control. However, he does not cite any authority that holds as much, and we do not believe that is the current state of the law.

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

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