

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 22, 2011

A. John Voelker
Acting Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2010AP2529

Cir. Ct. No. 2010FA1679

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

APRIL HOPE GRIFFIN,

PETITIONER-APPELLANT,

v.

**DEPARTMENT OF CHILD SUPPORT ENFORCEMENT
AND MATTHEW K. SEBULIBA,**

RESPONDENTS-RESPONDENTS.

APPEAL from an order of the circuit court for Milwaukee County:
BONNIE L. GORDON, Judge. *Affirmed.*

Before Curley, P.J., Fine and Brennan, JJ.

¶1 PER CURIAM. April Hope Griffin, *pro se*, appeals from an order of the circuit court dismissing Griffin's "petition for rescission [*sic*] and disestablishment of paternity" for lack of prosecution. We affirm.

¶2 The Department of Child Support Enforcement commenced a paternity action to establish Matthew K. Sebuliba as the father of J.M.G. The matter was assigned Milwaukee County Circuit Court case No. 2006PA4493. It suffices to say that Griffin was not satisfied with the results of that action. *See State v. Sebuliba*, No. 2007AP1660, unpublished slip op. (WI App Oct. 30, 2008).

¶3 In March 2010, Griffin initiated the underlying action, Milwaukee County Circuit Court case No. 2010FA1679, by filing a petition for rescission and disestablishment of paternity, naming the Department and Sebuliba as respondents. The petition is, in effect, a collateral challenge to the paternity adjudication in case No. 2006PA4493.

¶4 Docket entries for the current case indicate that on April 26, 2010, a hearing was held on Griffin's petition. The entries note that Griffin and Sebuliba appeared personally and with counsel, and the Department appeared by counsel. The docket entries further indicated that the parties would "[s]tipulate to a DISMISSAL and will refile under case #06PA4493." Griffin's attorney was to prepare and submit an order.

¶5 In June 2010, Griffin filed a notice of appeal, which she also designated as a petition "for a Writ of Prohibition as well as a Writ of Procedendo." She referenced both this case and the paternity action. The notice of appeal and its accompanying writ petitions total forty-one pages. By order dated June 16, 2010, this court directed Griffin to advise whether she had intended to proceed with an appeal or with a petition for a supervisory writ.

¶6 On July 2, 2010, the circuit court sent a letter to Griffin's attorney, advising that the court was "still awaiting the proposed Stipulation and Order you are to draft." On July 12, 2010, the circuit court dismissed Griffin's March 2010

petition for rescission without prejudice because the matter “has not been diligently prosecuted.”¹ By order dated August 3, 2010, after receiving Griffin’s confirmation that she meant to proceed with a petition for a supervisory writ, this court denied the writ petition. On October 8, 2010, Griffin filed her “2nd notice of appeal.”

¶7 We must stress that the *only* matter properly before this court at this time is the circuit court’s July 12, 2010 order dismissing Griffin’s March 2010 petition for rescission based on lack of prosecution. We must stress this because in her appellant’s brief, Griffin asserts that Judge Michael Guolee failed to follow proper procedures, resulting in a void order, and she further contends that Judge Elsa Lamelas lacked jurisdiction to enforce a void order. These complaints and Griffin’s related arguments, however, appear to relate to the paternity action that is not before us.

¶8 Relative to the instant case, Griffin makes the following arguments: that Judge Bonnie L. Gordon, who presided over this matter, at some point recused herself and had the “cases” transferred to Judge Lamelas; that the circuit court “issued a dismissal of a petition to rescind paternity without notice or opportunity to be heard” and the dismissal was arbitrary; and that she has a right to have the paternity action rescinded.

¶9 Nothing in the record before us indicates that Judge Gordon recused herself with respect to this matter, or that this matter was transferred to Judge Lamelas. It appears that Judge Gordon may have recused herself in the paternity

¹ A docket entry dated April 26, 2010, indicates that the matter was dismissed, but the only dismissal order is the July 12, 2010 order.

action, resulting in that case's transfer to Judge Lamelas. However, to the extent that Griffin meant to argue that Judge Gordon's recusal in the paternity case warranted her recusal in this case, we do not consider the argument, as it is undeveloped. *See M.C.I., Inc. v. Elbin*, 146 Wis. 2d 239, 244-45, 430 N.W.2d 366 (Ct. App. 1988).

¶10 Second, the docket entries indicate that a hearing on the rescission petition was, in fact, held. To the extent that Griffin complains the court should have held an additional hearing before dismissing the matter for lack of prosecution, Griffin does not appear to cite any authority for such a proposition. "We need not consider arguments unsupported by legal authority." *Kruczek v. DWD*, 2005 WI App 12, ¶32, 278 Wis. 2d 563, 692 N.W.2d 286.

¶11 Even if some notice other than the reminder notice to counsel was necessary before dismissing the rescission petition for lack of prosecution, we note that the circuit court's order effectively does nothing more than that to which the parties evidently stipulated: dismissal without prejudice. Thus, dismissal was not arbitrary but, instead, was the result contemplated by all parties. Accordingly, even if notice had been required before dismissing the March 2010 petition for lack of prosecution, we would still affirm. *See Milton v. Washburn Cnty.*, 2011 WI App 48, ¶8 n.5, 332 Wis. 2d 319, 797 N.W.2d 924 (this court may affirm the circuit court if it reaches "the right result for the wrong reason").²

² Further, because Griffin has not provided a transcript of the hearing, we assume that the missing material would support the result. *See Fiumefreddo v. McLean*, 174 Wis. 2d 10, 26-27, 496 N.W.2d 226 (Ct. App. 1993).

¶12 Third, whether Griffin has the right to have the paternity action rescinded is not the issue before us on appeal. We therefore do not address it any further.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5. (2009-10).

