

IN THE COURT OF APPEALS OF IOWA

No. 7-021 / 96-0101

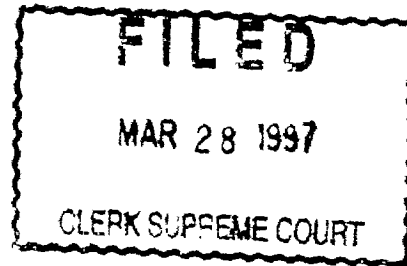
**IN RE THE MARRIAGE OF DAWN ELAINE SWIPIES n/k/a  
DAWN ELAINE BRUNING AND KENNETH HAROLD SWIPIES**

**Upon the Petition of  
DAWN ELAINE SWIPIES n/k/a  
DAWN ELAINE BRUNING,**

Appellee,

**And Concerning  
KENNETH HAROLD SWIPIES,**

Appellant.



---

Appeal from the Iowa District Court for Plymouth County, James D. Scott,  
Judge.

Kenneth Swipies appeals from a January 5, 1996, ruling on his motion to  
quash. **AFFIRMED.**

Kenneth Harold Swipies, Oto, pro se, appellant.

Thomas J. Miller, Attorney General, Diane Stahle, Deputy Attorney General,  
Robert R. Huibregtse, Assistant Attorney General, John C. Beekman, County  
Attorney, and Maurine H. Heeger, Assistant County Attorney, for appellee.

Considered by Habhab, C.J., and Cady and Streit, JJ. Huitink, J., takes no  
part.

**PER CURIAM**

This is an appeal by Kenneth Swipies claiming the district court's ruling on his motion to quash was erroneous. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On January 5, 1996, the district court entered a "supplemental ruling on motion to quash (filed November 22, 1995)." The district court: (1) approved the statement acknowledging that Dawn Bruning had received \$2875 in Social Security dependent (SSD) payments, which were credited to Kenneth Swipies' child support arrearage; (2) approved the Child Support Recovery Unit's amended order of income withholding filed December 8, 1995; (3) overruled Kenneth's motion to continue stay; and (4) overruled Kenneth's motion to quash. Pursuant to this ruling, Kenneth's income is currently subject to a \$50 per month withholding for delinquent support. Kenneth appeals.

We must first address what issues are properly before this court. The only matters this court can consider relate to the January 5, 1996, ruling noted above. Kenneth's attempts to raise issues concerning matters addressed in a November 6, 1995, district court ruling are improper. (This ruling disposed of a motion to quash filed earlier by Kenneth.) Kenneth filed a notice of appeal from the November 6 ruling contending: (1) it "was the result of the prejudice and bias of the Court;" (2) "the 'arrear' as assessed by Child Support Recovery is the result of the unlawful actions of the Child Support Recovery Unit, and its violations of Iowa Code 252D.8;"

and (3) the ruling “ignores the Legislative intent of Iowa Code 630A.3, and the circumstances of the Respondent.” That notice of appeal was filed with the supreme court clerk under Supreme Court No. 95-2086. The appeal, *In re Marriage of Swipies*, Supreme Court No. 95-2086, was voluntarily dismissed on January 2, 1996, and procedendo issued on January 12, 1996. The voluntary dismissal waived the issues raised. See Iowa R. App. P. 12(f) (“The issuance of procedendo shall constitute a final adjudication with prejudice.”) Kenneth may not now revive those issues.

We conclude the district court did not err in: (1) allowing credit to Kenneth’s child support arrearage for SSD payments received by Dawn; (2) approving the modified income withholding order, which subjects Kenneth’s income to \$50 per month withholding for delinquent support; (3) overruling Kenneth’s motion to stay; and (4) overruling Kenneth’s November 22, 1995, motion to quash. Finding no error, we affirm.

**AFFIRMED.**