IN THE COURT OF APPEALS OF IOWA

No. 1-2000 / 97-1779
Filed December 12, 2001

IN RE THE MARRIAGE OF MARILYN ANN WINKE AND JAMES B. WINKE

Upon the Petition of
MARILYN ANN WINKE,
Petitioner-Appellee,

And Concerning
JAMES B. WINKE,
Respondent-Appellant.

FILED
DEC 12 2001
CLERK SUPREME COURT

Appeal from the Iowa District Court for Lee County, John G. Linn, and R. David Fahey, Judges.

Respondent appeals from a district court order dated September 26, 1997, denying his motion to divide property. **AFFIRMED.**

James Bernard Winke, Fort Madison, pro se.

William Cahill of Hirsch, Adams, Krekel, Putnam & Cahill, Burlington, until withdrawal, and then Marilyn Winke, Fort Madison, pro se.

Considered by Huitink, P.J., and Zimmer, and Vaitheswaran, JJ.

000551

VAITHESWARAN, J.

James Winke is a prolific *pro se* filer. Unfortunately, his indiscriminate filings have now come back to haunt him, as he has elected to pursue an appeal that has already been dismissed rather than an appeal that is pending.

The appeal before us is numbered 97-1779. It is an appeal from a September 26, 1997 district court order in a dissolution action, denying Winke's application to divide personal property. The Iowa Supreme Court determined Winke could proceed with this appeal as a matter of right and set it for non-oral consideration. Meanwhile, the appeal was stayed for almost two years, pending resolution of a bankruptcy action. After Winke notified the Iowa Supreme Court that the bankruptcy action had been dismissed, the court authorized the filing of briefs in appeal 97-1779, and the case was transferred to our court for consideration.

Winke was the sole party to file a brief. His brief does not purport to address the September 26, 1997 order. Instead, the brief seeks review of a district court order dated November 4, 1997. However, the Iowa Supreme Court dismissed his interlocutory appeal of that order years ago.

We are left with a brief that argues strenuously for reversal of an order that is not before us and makes no mention of the order that is before us. As Winke does not cite authority or make arguments to support reversal of the September 26, 1997 district court order, we determine Winke has waived error with respect to that order. *See* Iowa R. App. P. 14(a)(3). Accordingly, we affirm the September 26, 1997 order.

AFFIRMED.

000532