

STATE OF MINNESOTA
IN COURT OF APPEALS

A24-1716



In Re the Matter of: Peter Richard Rickmyer,
DOB 2/4/1957.

ORDER OPINION

Hennepin County District Court
File No. 27-CV-24-9009

Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Larkin, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. In 2010, appellant Peter Richard Rickmyer was found to be a frivolous litigant because of his bad-faith litigation strategies, his excessive “daily submissions of documents, phone calls, and chambers visits,” and his practice of relitigating “the same issues in multiple suits, regardless of outcome and frequently in spite of unfavorable or dispositive rulings.”¹ The district court required Rickmyer to have “the signature of a

¹ The district court described the original 2010 frivolous litigant order, which (a) found Rickmyer “exhibited a pattern of litigating the same issues in multiple suits, regardless of outcome and frequently in spite of unfavorable and dispositive rulings[;]” (b) stated Rickmyer “treat[s] litigation like an alchemist’s laboratory in which he mixes new allegations and unfamiliar causes of action in the blind hope of stumbling into success[;]” (c) “noted that none of Rickmyer’s claims had been well-grounded in fact or in law[;]” including Rickmyer suing “an attorney and law firm for their representation of a defendant in a lawsuit to which Rickmyer was not even a party[;]” (d) “noted Rickmyer’s prior involvement in numerous cases demonstrating a high-volume history as a self-represented

licensed attorney on any new complaint as well as approval by the Chief Judge or Civil Presiding Judge before court administration could accept his filings.”

2. Two years later, Rickmyer’s restrictions were renewed after he tried to circumvent the order ruling him to be a frivolous litigant. More restrictions were added, including that any filings in open cases to which Rickmyer was a party required an attorney’s signature and any future filings in already-closed cases required preapproval by the chief judge.

3. Rickmyer continued to file new cases—a majority of which were denied or dismissed—and he “exhibited the same voluminous filing tactics previously noted by the court[.]”

4. In September 2022, the chief judge allowed Rickmyer to file a petition for a harassment restraining order (HRO). The district court issued a HRO in February 2023 and thereafter Rickmyer “engaged in near constant litigation . . . filing repeated motions to . . . hold the Respondent in contempt of court and change various terms of the order.”

5. On July 1, 2024, the chief judge held a hearing to decide whether to reaffirm Rickmyer’s designation as a frivolous litigant and impose further restrictions. Rickmyer attended the hearing and asked for time “to show he could reduce his interaction with the

litigant,” and stated that “Rickmyer had used a great deal of court resources with his voluminous filings, at times including daily submissions of documents, phone calls, and chambers visits, greatly exceeding the level of contact in an average civil case[;]” and (e) “found that Rickmyer exploited his IFP status to use the court system aggressively without cost to himself, and inferred a likelihood that he would continue to bring frivolous actions against his perceived enemies, further wasting court resources.”

court.” After the hearing, Rickmyer did not seek permission to file any documents in the HRO case for a span of 89 days.

6. In the order reaffirming Rickmyer’s frivolous-litigant status and imposing additional restrictions, the district court noted that Rickmyer was required to bring all his proposed filings to the chief judge and would abide by the chief judge’s decision when they were not cleared for filing. But the court noted that Rickmyer “historically brought slightly altered proposed motions daily until one was approved for filing.” The district court stated this legal screening should be done by an attorney, not the chief judge. The district court also noted that Rickmyer had “exhibited threatening behavior toward a judicial clerk[,]” and the chief judge’s clerk spent a significant amount of time each week on Rickmyer’s proposed filings. The district court found that Rickmyer has a well-established pattern of attempting to file and maintain frivolous cases, using “litigation tactics as part of a bad-faith effort to harass[,]” wasting valuable judicial resources, and exhausting the time and effort of district court employees. The district court judge concluded that, based on over twenty years of observed conduct, Rickmyer will likely continue to bring such cases “unless he is prevented or effectively deterred from doing so.” The order required Rickmyer to only communicate with court staff in writing. If representing himself, Rickmyer must get approval by the chief judge for all proposed filings. The chief judge “will respond not more than twice per month to the proposed filings.”

7. Rickmyer requested to file an appeal and a motion for the court to appoint a pro bono attorney. The chief judge approved Rickmyer’s request to file an appeal and denied his request to file a motion for the court to appoint a pro bono attorney, informing

him that the district court does not appoint attorneys to general civil cases. Rickmyer appeals.²

8. Rickmyer raises arguments related to disability accommodations, the Minnesota Human Rights Act, and violations of various Minnesota statutes. But these arguments were neither presented to, nor considered by, the district court. As such, the issues are not properly before us, and we decline to address them. *Thiele*, 425 N.W.2d at 582-83.

9. On appeal, Rickmyer has provided no legal arguments and cited no authorities to support his contentions that the district court erred by denying his request for a pro bono attorney. Therefore, these arguments are not properly before us, and we decline to address them. *See State Dep't of Lab. & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address an inadequately briefed issue); *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (stating that an assignment of error in an appellate brief based on “mere assertion” and not supported by argument or authority is forfeited “unless prejudicial error is obvious on mere inspection”).

² Rickmyer filed a motion to supplement the record for appeal with: (1) this court’s order opinion filed in one of Rickmyer’s other appellate matters; (2) a short argument related to that order; and (3) a district court’s order for judgment in another of Rickmyer’s district court matters. Because this court’s order opinion is available to our panel through ordinary legal research, we deny as unnecessary Rickmyer’s request to supplement the record for this appeal with that document. We also deny Rickmyer’s motion to supplement the record with the related argument and the district court’s order for judgment. Those documents are outside the record for this appeal. *See* Minn. R. Civ. App. P. 110.01 (defining the record on appeal); *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988) (stating that appellate courts do not consider matters outside the record on appeal).

10. Rickmyer also presents no arguments or authorities to support his assertion that the district court procedurally erred in denying his motions. Because Rickmyer neither cites any authority nor provides any analysis, “[t]o the extent that this suggestion in [his] brief . . . was, in fact, an argument,” it is forfeited. *Christie v. Est. of Christie*, 911 N.W.2d 833, 837 n.4 (Minn. 2018); see *Wintz Parcel Drivers, Inc.*, 558 N.W.2d at 480; *Schoepke*, 187 N.W.2d at 135.

11. Finally, Rickmyer argues that the order restricting his access to the courts violates his constitutional rights under both the Minnesota and United States Constitutions. “Issues of constitutional interpretation are questions of law, which we review de novo.” *Schroeder v. Simon*, 985 N.W.2d 529, 536 (Minn. 2023). A frivolous litigant “order imposing preconditions on serving or filing new claims, motions, or requests shall only be entered with an express determination that no less severe sanction will sufficiently protect the rights of other litigants, the public, or the courts.” Minn. R. Gen. Prac. 9.02(c). A district court’s frivolous-litigant determination is reviewed for an abuse of discretion. *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 290, 295 (Minn. App. 2007).

12. Because Rickmyer does not support his arguments regarding the Minnesota Constitution with any legitimate constitutional analysis or citation, we do not address these allegations. *Ganguli v. Univ. of Minn.*, 512 N.W.2d 918, 919 n.1 (Minn. App. 1994); see *Wintz Parcel Drivers, Inc.*, 558 N.W.2d at 480; *Schoepke*, 187 N.W.2d at 135.

13. Under the United States Constitution, Rickmyer argues his “right to petition the government for redress of grievances under the First Amendment and [his] right to equal protection under the Fourteenth Amendment have been violated.” The First

Amendment protects a citizen's right "to petition the Government for a redress of grievances." U.S. Const. amend I. The Fourteenth Amendment guarantees that no state will "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend XIV, § 1.

14. To support his argument, Rickmyer cites *Neitzke v. Williams*, 490 U.S. 319 (1989). *Neitzke* does not help Rickmyer because it involves an interpretation of federal law. *Id.* at 324-25. Further, *Neitzke* analyzed a district court's dismissal of a complaint for failure to state a claim upon which relief can be granted and immediately classifying it as frivolous. *Id.* at 321. Unlike the litigant in *Neitzke*, Rickmyer made numerous filings before the district court first labeled him a frivolous litigant in 2010. Thereafter, Rickmyer "regularly overwhelmed" the district court with frivolous proposed filings for over 14 years. *Neitzke* is not comparable to these circumstances.

15. In addition, Rickmyer still has access to the courts. If Rickmyer is not represented by an attorney, he may petition the court for redress of grievances, but now he may only do so in writing and the chief judge will respond twice per month—at a maximum. If Rickmyer is represented by an attorney, the attorney may submit filings so long as the filings also include a "certificate of representation affirming that the attorney has been hired to represent Rickmyer in the action."

16. The chief judge of the Fourth Judicial District neither committed error in declaring Rickmyer a frivolous litigant, nor in imposing the very reasonable restrictions on Rickmyer's ability to file documents in the district court given Rickmyer's documented history of abusing the system and exhausting the chief judge's limited time and scarce


resources. We have no difficulty concluding that the district court was well within its discretion in imposing additional limitations. *See Szarzynski*, 732 N.W.2d at 290, 295.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed; motion denied.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: April 17, 2025

BY THE COURT



Judge Jon Schmidt