

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-0031**

Tanya Mae Wagner, et al., on behalf of
themselves and all others similarly situated,
Respondents,

vs.

Minnesota Department of Corrections,
Appellant.

**Filed September 11, 2023
Affirmed
Gaïtas, Judge**

Ramsey County District Court
File No. 62-CV-22-4459

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Considered and decided by Reyes, Presiding Judge; Bratvold, Judge; and Gaïtas, Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

Appellant Minnesota Department of Corrections (DOC) challenges the district court's denial of its motion to dissolve a temporary restraining order (TRO) that bars the DOC from requiring respondents Tanya Mae Wagner, DeAndre Barnes, Michael Doering, and Robert Rosas—who are incarcerated individuals on conditional medical release (CMR)—from returning to prison pending their lawsuit against the DOC. The DOC argues that the district court lacked authority to continue the TRO because the issues in the underlying lawsuit are now moot and because the district court lacked subject-matter jurisdiction. Alternatively, the DOC contends that the district court abused its discretion in considering the motion to dissolve the TRO. Because the district court had authority to continue the TRO, and it did not abuse its discretion in evaluating the continued need for the TRO, we affirm.

FACTS

During the summer of 2020, the DOC implemented a process to temporarily release on CMR incarcerated individuals at increased risk of medical complications due to COVID-19. At-risk inmates were released into the community to serve their sentences on home confinement. Respondents Wagner, Barnes, Doering, and Rosas were among the incarcerated individuals who were placed on COVID-19 CMR.

Two years later, the DOC notified COVID-19 CMR participants who remained in the community, including respondents, that the DOC was terminating their CMR. The DOC ordered these CMR participants to turn themselves in by August 15, 2022, to serve

the balance of their prison sentences in custody. According to the notices that these CMR participants received from the DOC, “effective vaccines have become widely available and there has been significant reduction in active COVID-19 infections, both in DOC facilities and in Minnesota at large.” The notices further stated, “Because the reasons you were granted early release are no longer applicable, the DOC is now rescinding your COVID-19 CMR.”

Days before the turn-in date provided by the DOC, Wagner and another plaintiff who is no longer participating in this action, filed suit against the DOC in the district court on their own behalf and on behalf of similarly situated individuals. The complaint alleged that the DOC’s revocation of plaintiffs’ CMR did not comply with the CMR statute, Minnesota Statutes section 244.05, subdivision 8 (2022),¹ which required the DOC to individually assess CMR participants and determine whether continued CMR would present a more serious risk to the public.² Additionally, the complaint alleged that the

¹ We note that section 244.05, subdivision 8, was amended in 2023 to address CMR during an epidemic. 2023 Minn. Laws. Ch 52, art. 11, § 18. Because the DOC’s attempt to revoke respondent’s CMR occurred before the amendment, we review the district court’s decision under the former version of the statute.

² The CMR statute provides, in relevant part:

the commissioner may order that any offender be placed on conditional medical release before the offender’s scheduled supervised release date or target release date if the offender suffers from a grave illness or medical condition and the release poses no threat to the public. . . . Conditional medical release is governed by provisions relating to supervised release except that it *may be rescinded without hearing by the commissioner if the offender’s medical condition improves to*

DOC's revocation of CMR violated the plaintiffs' due-process rights under the Minnesota Constitution. *See* Minn. Const. art. I, § 7 (providing that no person shall be "deprived of life, liberty, or property without due process of law"). The complaint sought "a temporary restraining order and preliminary and permanent injunctive relief prohibiting [the DOC] from enforcing the cancellation of their CMR."

After an emergency hearing on August 11, 2022, the district court issued the requested TRO. Observing that "there is no evidence, at this time" that the DOC had determined that "the continuation of [CMR] presents a more serious risk to the public" as required by the CMR statute, the district court found that an injunction was necessary to prevent irreparable harm and that the plaintiffs had otherwise satisfied their burden for obtaining injunctive relief. The TRO temporarily barred the DOC "from terminating the Conditional Medical Release of Plaintiffs and all other persons still on Conditional Medical Release pursuant to its COVID-19 protocol and/or requiring their surrender and return to [the DOC]'s Correctional Facilities pending hearing and decision on Plaintiffs' Motion for a Temporary Injunction." But the district court's order authorized the DOC to "terminate a person's Conditional Medical Release if there is a specific finding that they are in violation of their supervised release conditions."

After the district court issued the TRO, the parties agreed to indefinitely stay the proceedings in the case. By letter, the DOC advised the named plaintiffs and the remaining

the extent that the continuation of the conditional medical release presents a more serious risk to the public.

Minn. Stat. § 244.05, subd. 8 (emphasis added).

CMR participants that it would be reviewing their CMR status based on the following questions:

1. Does your current medical condition continue to put you at an increased risk of grave harm from COVID-19 (e.g. death or other severe outcomes) in light of currently available treatments, including vaccines and antivirals?
2. Given any improvement in your medical condition relative to the risks posed by COVID-19, and your current status and activities in the community, does continuation of your CMR now present a more serious risk to the public?

The DOC also stated that it would consider “any timely and relevant information” from CMR participants, “including your current medical condition and any medical limitations on your ability to receive vaccination, antiviral, or other treatments for COVID-19” as well as “current medical guidelines on COVID-19 risk factors, your criminal and institutional history, and information from your supervision agent about your activities and adjustment under community supervision, including your compliance with release conditions and agent instructions.” The DOC ordered CMR participants to submit any supplemental information by September 27, 2022.

Following the communication from the DOC, the plaintiffs moved the district court to order the DOC to extend the deadline for submission of supplemental information, but the district court denied the motion. The district court clarified, however, that “[u]nless there is a specific finding that a [CMR participant] violated a term of his or her conditional release, the [DOC] is temporarily restrained from terminating the Conditional Medical

Release granted pursuant to its COVID-19 protocol and/or requiring surrender and return to [the DOC]’s Correctional Facilities.” And the district court further explained:

[The DOC] is not, however, prohibited from conducting an individual evaluation and assessment of whether the continuation of the conditional release presents a “more serious risk to the public.” The [DOC] has the authority and discretion to design and conduct such individual evaluation as it sees fit, and the Court would, upon proper argument and briefing, ultimately decide whether [the DOC]’s procedures comply with the statute as well as Constitutional due process at a future hearing.

On October 19, 2022, the DOC notified Wagner and the other CMR participants in writing that it had performed “individualized assessments,” and, based on those assessments, made decisions regarding their CMR status. As to four of the remaining CMR participants—respondents Wagner, Barnes, Doering, and Rosas³—the DOC had decided to revoke their CMR and return them to prison. The DOC notified Wagner, who had been granted COVID-19 CMR due to pregnancy, that she would be allowed to remain in the community for one year postpartum pursuant to a conditional release program for new mothers. *See* Minn. Stat. § 244.065, subd. 2 (2022) (allowing the release of pregnant inmates for the duration of the pregnancy and up to one year postpartum). In the notices that Barnes, Doering and Rosas received, the DOC explained that revocation of their CMR was now warranted given their specific medical conditions “relative to the risks posed by COVID-19” and improvement in their medical conditions due to “currently available

³ Respondents Barnes, Doering, and Rosas were not yet plaintiffs in the lawsuit against the DOC when the DOC notified them that their CMR would be revoked. They were included as plaintiffs in the lawsuit by amended complaint, which was filed approximately one week later.

vaccines, antivirals, and other treatments for COVID-19, which did not exist when [they] were granted [COVID-19] CMR.” Additionally, the notices that Barnes, Doering, and Rosas received alleged that these individuals had violated some of the conditions of their CMR and identified the alleged violations.⁴

On the same day that the DOC notified the CMR participants of their “individualized assessments,” the DOC moved the district court to dissolve the TRO. The DOC asserted that, because it had individually assessed the CMR participants, the TRO was no longer necessary. In support of its motion, the DOC provided a sworn affidavit from its policy director explaining some of the information and reasoning that the DOC relied on when conducting the “individualized assessments.”

Following these developments in the case, the plaintiffs filed an amended complaint. The complaint added respondents Barnes, Doering, and Rosas as plaintiffs. But the amended complaint did not modify the substance of the claims against the DOC. As asserted in the original complaint, the amended complaint alleged that the DOC violated the plaintiffs’ due-process rights by revoking their CMR:

(1) without considering individual circumstances and physical conditions; (2) in violation of its authority under [the CMR statute]; (3) on an improper pretextual basis, the alleged availability of effective COVID-19 vaccines; (4) contrary to the public interests in healthy childhood development, rehabilitation of offenders, and reducing overcrowding and the

⁴ As of the date of respondents’ appellate brief, the DOC had not commenced revocation proceedings against Rosas, Doering, and Barnes, as was authorized by the district court’s TRO. At oral argument, the DOC explained that some of the respondents were “restructured” rather than revoked in order to keep the prison population down during the COVID-19 pandemic. Additional information about the process of being “restructured” while on CMR is not in the record.

effects of COVID-19 in prisons; (5) without providing plaintiffs and others similarly situated individual hearings; and (6) without providing plaintiffs . . . due process protections, including, but [not] limited to, a revocation hearing conducted by a neutral and detached decisionmaker, written notice of the alleged violation, disclosure of the evidence against the individual, and an opportunity to appear, present evidence, and question any adverse witnesses.

The amended complaint reiterated the plaintiffs’ original request for a TRO and requested permanent injunctive relief. Alleging that the plaintiffs and their dependents would suffer immediate and irreparable injury, loss, or damage if plaintiffs were forced to return to prison, the amended complaint requested the district court to issue “[a] Permanent Injunction prohibiting [the DOC] from attempting to revoke CMR without fully complying with [the CMR statute] and the Due Process Clause of the Minnesota Constitution, Article I, § 7.”

The plaintiffs also responded to the DOC’s motion to dissolve the TRO. They asserted that the DOC had not established that it “followed the appropriate procedure or that the released individuals were afforded due process in the agency’s revocation actions.”

The district court held a hearing on the DOC’s motion to dissolve the TRO. Following that hearing, the district court denied the DOC’s motion.

The DOC appeals the district court’s order denying the motion to dissolve the TRO.⁵

⁵ Weeks after the DOC filed its appeal, and pursuant to a stipulation of the parties, the district court stayed the district court proceedings pending the appeal.

DECISION

I. The district court had authority to continue the TRO.

As a threshold issue, the DOC argues that, for two reasons, the district court lacked authority to allow the TRO to remain in effect. First, the DOC contends that its individualized assessments satisfied the CMR statute and due-process requirements, and therefore rendered the issues in respondents' lawsuit moot. According to the DOC, because there is no longer a justiciable issue before the district court, the district court had no authority to continue the TRO. Second, the DOC argues that the district court lacks subject-matter jurisdiction "to review the DOC commissioner's final agency decision[s]." Thus, "the propriety of the [DOC's] final administrative decisions [was] not properly before the district court." We address these two issues separately below.

A. Mootness

A claim is moot "when a decision on the merits is no longer necessary or an award of effective relief is no longer possible." *State ex rel. Young v. Schnell*, 956 N.W.2d 652, 662 (Minn. 2021). The mootness doctrine "implies a comparison between the relief demanded and the circumstances of the case at the time of decision in order to determine whether there is a live controversy that can be resolved." *In re Application of Minnegasco*, 565 N.W.2d 706, 710 (Minn. 1997). Whether a claim is moot is a matter of law that we review de novo. *In re Civ. Commitment of Breault*, 942 N.W.2d 368, 374 (Minn. App. 2020).

We disagree with the DOC's argument that its individualized assessments rendered respondents' claims moot for two reasons. First, the claims in respondents' amended

complaint are broader than the DOC represents. The amended complaint does not merely assert that the DOC violated the CMR statute and due-process guarantees by providing no individualized assessments to respondents. It also leaves room for respondents to argue that any assessments actually performed did not satisfy the CMR statute and due-process requirements.

Second, accepting the DOC's mootness argument would require us to prematurely resolve the merits of respondents' legal claims, which we decline to do in the context of this appeal. *See Minnegasco*, 565 N.W.2d at 710 (“[T]here is a real and continuing controversy[,] [and] accepting the Commission's ‘mootness’ argument requires resolution of the merits of [the public utility's] legal claim.”). As noted, the DOC's implementation of individualized assessments does not entirely resolve respondents' claims. Because the district court can still consider whether the DOC has complied with the statute and due process, a decision on the merits and an award for effective relief remain possible. *See Young*, 956 N.W.2d at 662. Thus, we reject the DOC's argument that the claims in respondents' lawsuit are moot.

B. Subject-Matter Jurisdiction

“Subject matter jurisdiction is a court's statutory or constitutional *power* to adjudicate the case.” *State v. Schnagl*, 859 N.W.2d 297, 300 (Minn. 2015) (quotation omitted). Specifically, “[s]ubject matter jurisdiction has been defined as not only authority to hear and determine a particular class of actions, but authority to hear and determine the particular questions the court assumes to decide.” *Cochrane v. Tudor Oaks Condo. Project*, 529 N.W.2d 429, 432 (Minn. App. 1995) (quotation omitted), *rev. denied* (Minn. May 31,

1995). Appellate courts review questions of subject-matter jurisdiction de novo.⁶ *Minn. Ctr. Env't Advoc. v. Metro. Council*, 587 N.W.2d 838, 842 (Minn. 1999).

The DOC argues that “[t]o the extent the respondents attempted to orally expand their claims to challenge the results of the [DOC’s] final decisions,” the district court did not have subject-matter jurisdiction based on separation-of-powers principles. According to the DOC, the CMR statute provides the commissioner of corrections with broad authority to administer CMR, including the authority to decide when and how to rescind CMR. *See* Minn. Stat. § 244.05, subd. 8 (providing that “the commissioner may order that any offender be placed” on CMR and CMR “may be rescinded without hearing by the commissioner”). Because a decision regarding CMR is a “final administrative decision,” the DOC contends that the district court has no power to review such a decision.

Minnesota district courts are courts of general jurisdiction that, with limited exceptions, “have the power to hear all types of civil and criminal cases.” *Schnagl*, 859 N.W.2d at 301. Article VI, section 3, of the Minnesota Constitution provides that “[t]he district court has original jurisdiction in all civil and criminal cases,” and “[s]uch original jurisdiction includes a claim by a citizen against a public official.” *State v. Emerson (In re Leslie)*, 889 N.W.2d 13, 15 (Minn. 2017).

⁶ The DOC challenged the district court’s subject-matter jurisdiction in connection with its motion to dissolve the TRO, but the district court did not address this issue. Because “lack of subject matter jurisdiction may be raised at any time, including for the first time on appeal,” *Cochrane*, 529 N.W.2d at 432 (citing Minn. R. Civ. P 12.08(c)), and given our de novo standard of review, we consider this issue even in the absence of a decision by the district court.

But separation-of-powers principles necessitate that no branch of government “can control, coerce or restrain the action or nonaction of either of the others in the exercise of any official power or duty conferred by the Constitution, or by valid law, involving the exercise of discretion.” *State ex rel. Birkeland v. Christianson*, 229 N.W. 313, 314 (Minn. 1930). “Constitutional principles of separate governmental powers require that the judiciary refrain from a de novo review of administrative decisions,” absent an express statutory grant. *Dokmo v. Indep. Sch. Dist. No. 11*, 459 N.W.2d 671, 674 (Minn. 1990).

The DOC’s specific challenge to subject-matter jurisdiction is unclear. It may be arguing that the individualized assessments divested the district court of subject-matter jurisdiction as to respondents’ lawsuit, thus invalidating the TRO, which was an order made in connection with the lawsuit. Or the DOC’s challenge to subject-matter jurisdiction may be limited to the district court’s authority to continue the TRO in light of the individualized assessments. In any event, we determine that, notwithstanding the individualized assessments, the district court had authority to allow the TRO to remain in effect while respondents’ lawsuit is pending.

The Minnesota Supreme Court’s decision in *Leslie* is instructive on this issue. There, during a first appearance in a criminal prosecution, the defendant moved the district court to bar the sheriff from collecting the defendant’s DNA. *Leslie*, 889 N.W.2d at 14. The district court granted the motion, and the sheriff filed a petition for a writ of prohibition, arguing that the district court lacked subject-matter jurisdiction over the defendant’s motion because it was an improper request for judicial review of a public official’s decision. *Id.* at 14. The supreme court concluded that the district court had

subject-matter jurisdiction because its “original jurisdiction includes a claim by a citizen against a public official.” *Id.* at 15. However, the supreme court also concluded that subject-matter jurisdiction “is not enough; a district court must still use a proper procedure to decide any issue raised during a case.” *Id.* (emphasis omitted). The supreme court decided that to obtain the requested relief—namely, to challenge the constitutionality of the DNA collection statute—the defendant should have filed a civil action. *Id.* at 16.

In a civil action, and following the Minnesota Rules of Civil Procedure, [the defendant] could have served and filed a complaint, made the Sheriff a defendant, and challenged the constitutionality of the DNA-collection statute. In a civil action, [the defendant] could have sought a speedy remedy, such as a temporary restraining order under Rule 65.01 or a temporary injunction under Rule 65.02, to restrain the Sheriff from taking his DNA.

Further, in a civil action, the Minnesota Attorney General and the Sheriff would have had a full and fair opportunity to defend the constitutionality of the statute.

Id.

Here, respondents followed the process prescribed by *Leslie*. They brought a civil action, named the DOC as a defendant, challenged the constitutionality of the DOC’s policy rescinding CMR, and sought a TRO to enjoin the DOC from depriving respondents of their constitutional rights.

The DOC argues that respondents’ civil action is the wrong procedure for challenging the DOC’s individualized assessments. According to the DOC, once the individualized assessments were completed, respondents should have petitioned for a writ of habeas corpus. The DOC points out that habeas relief is the only appropriate remedy

for a prisoner “attacking the validity of the fact or length of their confinement.” *Preiser v. Rodriguez*, 411 U.S. 475, 490 (1973); *see* Minn. Stat. §§ 589.01 (“A person imprisoned or otherwise restrained of liberty . . . may apply for a writ of habeas corpus to obtain relief from imprisonment.”), .02 (“A person may apply for a writ of habeas corpus . . . to the district court of the county where the petitioner is detained.”) (2022).

But respondents’ lawsuit does not seek release from confinement or a shorter stay in prison. *See Wilkinson v. Dotson* 544 U.S. 74, 82 (2005) (concluding that habeas review was inappropriate because the respondents did not seek an injunction ordering their “immediate or speedier release into the community,” but instead, challenged the state’s procedures used to determine parole eligibility and suitability). Rather, collectively, respondents seek review of the process that the DOC used to revoke their CMR. Because respondents challenge the procedure used to revoke their CMR and not the underlying individual administrative decisions, habeas is not a more appropriate procedure than the pending lawsuit.

Alternatively, the DOC contends that respondents should have challenged the DOC’s final agency decisions by appeal to this court through a writ of certiorari. *See* Minn. Stat. §§ 606.01-.06 (2022); *Honn v. City of Coon Rapids*, 313 N.W.2d 409, 414 (Minn. 1981) (explaining that the writ of certiorari is used “to review the proceedings of a tribunal exercising judicial or quasi-judicial functions”). Insofar as the DOC argues that the district court lacks jurisdiction to review the individualized assessment decisions themselves, we agree. Certiorari review would be the appropriate procedure for reviewing the validity of the individualized assessments themselves. *Zweber v. Credit River Township*, 882 N.W.2d

605, 611 (Minn. 2016) (“[C]ertiorari review is exclusive when a claim requires an inquiry into the validity of a quasi-judicial decision.”).

Again, however, the district court has not been asked to review the propriety of the individual assessment decisions. Respondents are challenging the process by which the DOC revoked CMR and whether that process complies with the CMR statute and the Minnesota Constitution. “If resolution of [a] claim does not depend on the validity of the quasi-judicial decision, then the party may raise the claim by filing an action in a district court.” *Id.* at 610 (citing *County of Washington v. City of Oak Park Heights*, 818 N.W.2d 533, 542 (Minn. 2012)). If respondents prevail, the DOC may still exercise its discretion to administer and revoke CMR, but in compliance with the statutory requirements and due process. To the extent that the DOC is arguing that, once the DOC completed its individualized assessments, the district court was divested of subject-matter jurisdiction and respondents were limited to certiorari review, we disagree.

We are not persuaded that the district court lacked subject-matter jurisdiction to reject the DOC’s motion to dissolve the TRO. Because we conclude that the district court had authority to continue the TRO, we next consider the DOC’s challenge to the district court’s exercise of its authority.

II. The district court did not abuse its discretion when it denied the DOC’s motion to dissolve the TRO.

The DOC argues that, even if the district court had authority to issue the TRO in the first instance, it abused its discretion when it refused to dissolve the TRO after the DOC

complied with the CMR statute by individually assessing whether respondents should remain on CMR. Accordingly, the DOC asks us to reverse the TRO.

Rule 65 of the Minnesota Rules of Civil Procedure provides a procedure for a party to obtain a temporary restraining order or temporary injunction. The purpose of such relief is to preserve the rights of the parties “pending an adjudication on the merits.” *Metro. Sports Facilities Comm’n v. Minn. Twins P’ship*, 638 N.W.2d 214, 220 (Minn. App. 2002), *rev. denied* (Minn. Feb. 4, 2002). A party seeking an injunction must demonstrate that there is no adequate legal remedy and that the injunction is necessary to prevent irreparable harm. *Cherne Indus., Inc. v. Grounds & Assocs., Inc.*, 278 N.W.2d 81, 92 (Minn. 1979). If there is a finding of irreparable harm, the district court must then weigh five factors to determine whether to order injunctive relief. *Dahlberg Brothers, Inc. v. Ford Motor Co.*, 137 N.W.2d 314, 321-22 (Minn. 1965). These factors, which we refer to as the *Dahlberg* factors, are: (1) the nature and background of the preexisting relationship between the parties, (2) the comparative harm to the parties if relief is or is not granted, (3) public policy considerations, (4) the likelihood that the movant will prevail on the merits of the claim, and (5) the administrative burdens involved in judicial supervision and enforcement of an injunction. *See id.* The applicant for injunctive relief has the burden of proving all five *Dahlberg* factors. *N. Cent. Pub. Serv. Co. v. Village of Circle Pines*, 224 N.W.2d 741, 746 (Minn. 1974).

Because a district court has broad discretion in deciding whether to grant a TRO, a reviewing court will not reverse the district court’s decision absent an abuse of discretion. *Eakman v. Brutger*, 285 N.W.2d 95, 97 (Minn. 1979); *see Cherne Indus.*, 278 N.W.2d at

91 (“The granting of an injunction generally rests within the sound discretion of the trial court, and its action will not be disturbed on appeal unless, based upon the whole record, it appears that there has been an abuse of such discretion.”). A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or making a ruling that is against logic and the facts in the record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022). “On review, we consider the facts in the light most favorable to the prevailing party.” *Minn. Twins P’ship*, 638 N.W.2d at 220.

In addressing the DOC’s motion to dissolve the TRO, the district court found that lifting the injunction would cause respondents to suffer irreparable harm. The district court then considered each of the *Dahlberg* factors and determined that they weighed in favor of denying the DOC’s motion.

Before this court, the DOC argues that the district court abused its discretion in addressing two of the *Dahlberg* factors: the public interest and consideration of public policy and the likelihood of success on the merits. We consider the DOC’s arguments in turn.

A. Public Interest and Consideration of Public Policy

The DOC contends that the district court’s analysis of the public interest and public policy was not supported by the record or respondents’ amended complaint. In addressing this *Dahlberg* factor, the district court stated:

From a public interest and public policy perspective, taxpayers should not pay to incarcerate individuals who were deemed by the [DOC] to pose no threat to the public when initially granted CMR and have and are now abiding by their supervised release conditions, not committing any new crimes,

and do not otherwise present “a more serious risk to the public.”

Based on the submissions, it remains unclear how the process proscribed in the [DOC]’s submissions moves from Point A to Point B to Point C and ultimately to the conclusion that the individual poses a “more” serious risk to the public than when the CMR was initially granted. . . . [T]he issue before the Court is the revocation process itself and whether it satisfies the Constitutional requirements of due process. Even though the statute may allow the revocation of CMR without a hearing, there is also an argument as to whether the statute is unconstitutional and a hearing is, in fact, required.

According to the DOC, the record, which shows that three respondents either violated the conditions of their release or committed new crimes while on release, directly contradicts the district court’s finding that respondents had abided by their release terms and did not pose a more serious risk to the public now than when they were granted CMR. But even if the district court’s statement was not entirely accurate, we disagree with the DOC that an error of this nature constitutes an abuse of discretion sufficient to invalidate the TRO. *See Cherne Indus.*, 278 N.W.2d at 91 (stating that the reviewing court considers the whole record in reviewing a district court’s decision to grant an injunction). Moreover, when it submitted its appellate brief, the DOC had not commenced revocation proceedings against any of the respondents under the exception to the TRO for violations of conditions of release. Given this fact, we cannot conclude that the district court abused its discretion in finding that respondents do not now pose a more serious risk to the public.

The DOC also contends that the district court’s analysis of the public-interest-and-public-policy factor overstated the actual claims raised in respondents’ amended complaint. For example, the DOC notes that the amended complaint does not acknowledge

the DOC's individualized assessments of CMR participants. Yet, the district court's findings on the *Dahlberg* factor suggests that respondents are attacking the DOC's individualized-assessment process. And the DOC observes that the amended complaint does not directly challenge the constitutionality of the individualized-assessment process. But the district court's findings assume that respondents are making a constitutional challenge to the process.

We disagree that the district court's findings go beyond the scope of respondents' legal claims. In the amended complaint, respondents requested "[a] Permanent Injunction prohibiting [the DOC] from attempting to revoke CMR without fully complying with Minn. Stat. § 244.05, subd. 8, and the Due Process Clause of the Minnesota Constitution, Article I, § 7." The district court's statements about respondents' claims mirrored the language in the amended complaint. And given Minnesota's liberal notice-pleading standard, we cannot conclude that the district court abused its discretion in characterizing respondents' claims. *See Halva v. Minn. State Colls. & Univs.*, 953 N.W.2d 496, 503 (Minn. 2021) ("A pleading is sufficiently detailed when it gives fair notice to the adverse party of the incident giving rise to the suit with sufficient clarity to disclose the pleader's theory upon which his claim for relief is based." (quotation omitted)). We also observe that, at the hearing on the DOC's motion to dissolve the TRO, respondents' attorney stated, "we are raising a constitutional due process claim to the DOC's implementation of the CMR statute."

The record largely supports the district court’s findings regarding the public interest and public policy factor. We therefore discern no abuse of discretion in the district court’s analysis of this *Dahlberg* factor.

B. Likelihood of Success on the Merits

The DOC argues that the district court “functionally ignored the most important *Dahlberg* factor,” the likelihood of success on the merits. *See Softchoice, Inc. v. Schmidt*, 763 N.W.2d 660, 666 (Minn. App. 2009) (“Of [the *Dahlberg*] factors, the most important is a party’s likelihood of prevailing on the merits at trial.”). “If a plaintiff can show no likelihood of prevailing on the merits, the district court errs as a matter of law in granting a temporary injunction.” *Minn. Twins P’ship*, 638 N.W.2d at 226. “But if a plaintiff makes even a doubtful showing as to the likelihood of prevailing on the merits, a district court may consider issuing a temporary injunction to preserve the status quo until trial on the merits.” *Id.* (citing *Dahlberg*, 137 N.W.2d at 321 n.13).

In arguing that the district court’s analysis of this factor was inadequate, the DOC focuses on the district court’s concluding remarks:

Here, Plaintiff’s likelihood of success on the merits is not clear. The circumstances have changed since the initiation of this lawsuit. Defendant has now created an individualized review process for the revocation of Conditional Medical Release for persons receiving this benefit/privilege. Nevertheless, this factor weighs slightly in Plaintiff’s favor. Plaintiff has made a doubtful showing of likelihood of prevailing on the merits, and the consequence for not maintaining the status quo is significant to the individuals who are currently released with CMR.

The district court's concluding remarks did not constitute the entirety of its analysis, however. Initially, the district court observed that principles of due process apply to the revocation of CMR. And the district court recognized that there was a continuing dispute as to whether the DOC's individualized assessments complied with the CMR statute and satisfied respondents' right to due process. Although the district court postulated that the DOC's individualized assessments weakened respondents' claims, it also recognized that dissolving the TRO at this juncture in the litigation would significantly disrupt the status quo for individuals on CMR. The district court concluded that the factor weighed just slightly in favor of respondents. Considering the district court's order as a whole, we disagree with the DOC that the district court "functionally ignored" the *Dahlberg* factor that required it to consider the likelihood of success on the merits.

The DOC also argues that the district court abused its discretion because its view of the law was erroneous. Specifically, the DOC alleges that in considering the likelihood that respondents would succeed on the merits, the district court "overlooked what the CMR statute requires," failed to recognize that the DOC "complied with the CMR statute," and "erroneously analyzed whether the respondents received adequate process under the Minnesota Constitution." However, we discern no abuse of discretion in the district court's summary of the legal issues in the litigation. And we decline the DOC's invitation to decide legal issues that are still pending before the district court in the case.

As noted, a plaintiff may obtain a TRO by making "even a doubtful showing as to the likelihood of prevailing on the merits." *Minn. Twins P'ship*, 638 N.W.2d at 226. The

district court was within its discretion in determining that respondents made such a showing.

In sum, we are not persuaded that the district court abused its discretion in considering the *Dahlberg* factors. Because the district court did not abuse its discretion in applying these factors, we will not reverse the district court's decision to deny the DOC's motion to dissolve the TRO.

Affirmed.