

*This opinion is nonprecedential except as provided by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
A24-0757**

Douglas James Williams,
Appellant,

vs.

Musu Lamin,
Respondent.

**Filed February 10, 2025
Affirmed
Larkin, Judge**

Hennepin County District Court
File No. 27-CV-21-15433

Douglas James Williams, St. Paul, Minnesota (pro se appellant)

Musu Lamin, Plymouth, Minnesota (pro se respondent)

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

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the district court's dismissal of his petition for a harassment restraining order. We affirm.

FACTS

This appeal arises under Minnesota’s harassment restraining order (HRO) statute. *See* Minn. Stat. § 609.748 (2024).¹ On December 26, 2021, appellant Douglas James Williams petitioned the district court for an ex parte HRO against respondent Musu Lamin,² who was appellant’s in-home caregiver at that time. *See id.*, subds. 2 (“A person who is a victim of harassment . . . may seek a restraining order from the district court in the manner provided in this section.”), 4(c) (providing that “[n]otice need not be given to the respondent before the [district] court issues a temporary restraining order”). The district court did not issue a temporary restraining order (TRO). *See id.*, subd. 4(a) (stating that the district court “may issue a temporary restraining order”). Appellant had requested a hearing if the district court denied relief on his petition. Thus, the district court ordered a hearing. *See id.*, subd. 3(a) (“Upon receipt of the petition and a request for a hearing by the petitioner, the [district] court shall order a hearing.”).

¹ The 2022 version of Minn. Stat. § 609.748 was in effect when the district court filed the order from which this appeal is taken. We cite the most recent version of Minn. Stat. § 609.748 because it has not been amended in relevant part. *See Interstate Power Co. v. Nobles Cnty. Bd. of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000) (stating that, generally, “appellate courts apply the law as it exists at the time they rule on a case”).

² The case caption in the district court identifies the respondent as “Musu Lamin,” and we use that name in the caption on appeal. However, the record indicates respondent’s last name is “Menson,” which is the last name used by appellant in his brief and some of the district court orders. We do not change the title of the action in this appeal. Minn. R. Civ. App. P. 143.01. And we refer to respondent as “Musu Lamin” in this opinion, consistent with the caption in this appeal and appellant’s prior appeals. *See Williams v. Lamin*, No. A22-0416 (Minn. App. Oct. 28, 2022) (order op.) (*Williams I*); *Williams v. Lamin*, No. A23-1748, 2023 WL 8868266, at *1 (Minn. App. Dec. 19, 2023) (*Williams II*).

On January 24, 2022, appellant and respondent appeared before the district court for a hearing on appellant’s petition. The parties appeared remotely and without counsel. After recessing the hearing so the parties could engage in mediation—which did not result in an agreement—the district court informally questioned the parties about the underlying dispute. The district court did not place the parties under oath, take sworn testimony, or receive any exhibits. The district court informed the parties that the purpose of the hearing was to determine whether the district court “should grant a temporary restraining order or not.” After hearing appellant’s harassment allegations and respondent’s description of the circumstances, the court “dismissed” appellant’s petition for an HRO, reasoning:

I have to make a determination that . . . the [r]espondent has acted unreasonably and that she is committing acts of harassment against you. And I’m just not hearing that yet.

. . . .

. . . I’m going to dismiss the case as of today. But, [appellant], if you come up with other facts that you think support your claim that she’s committed unwanted acts, words or gestures that have a substantial adverse [effect] on your safety, security or privacy, you can go ahead and file another petition.

But at least as I’m hearing today, I don’t hear those things.

Essentially, the district court determined that appellant’s petition did not contain sufficient allegations to state a legal claim for relief under the HRO statute. *See id.*, subds. 1(a) (defining harassment to include “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect . . . on the safety, security, or privacy of another”), 3(a) (“Nothing in this section shall be construed as requiring a hearing on a matter that has no merit.”).

Appellant filed an appeal with this court, and on October 28, 2022, we reversed the dismissal and remanded for a decision on the merits. *Williams I*, No. A22-0416. Specifically, we determined that appellant’s petition

contains allegations that, if proven, implicate [appellant’s] safety, security, or privacy. [Appellant] alleges that [respondent] is trespassing in his residence, stealing his food, mocking him while filming him without his permission, and making false police reports about him. Any one of these allegations, if proven true, may constitute an incident of an intrusive or unwanted act that has a substantial adverse effect on [appellant’s] safety, security, or privacy.

Id. We further determined that “[t]hese allegations, if proven true, may also constitute ‘repeated incidents’ as required to meet the definition of harassment under the HRO statute.” *Id.*

On June 20, 2023, appellant appeared before the district court for a hearing on remand, re-asserted his desire for an HRO, and indicated he was still being harassed by respondent. Respondent was not present at that hearing. The ensuing July 5, 2023 order states, under the verbiage, “**TEMPORARY RESTRAINING ORDER**,” that “Respondent’s request for a Temporary Restraining Order is GRANTED.”³

On July 11, 2023, respondent filed an admission of service of the July 5 TRO and requested a hearing to contest the TRO. According to an October 18, 2023 order, the district court scheduled an evidentiary hearing on appellant’s HRO petition for December

³ Although the July 5, 2023 order states that “Respondent’s request for a Temporary Restraining Order is GRANTED,” the remaining language in the order expressly restrains *respondent* from engaging in conduct directed at appellant, indicating that the district court’s reference to “Respondent’s” request for a TRO is a typographical error.

6, 2023. Appellant filed an appeal with this court, seeking our review of the October 18, 2023 order. *Williams II*, 2023 WL 8868266, at *1. The district court canceled the December 6, 2023 evidentiary hearing pending this court’s decision. *Id.*

We determined that the October 18, 2023 scheduling order was not an appealable order and dismissed the appeal. *Id.* at *2. We explained that the July 5, 2023 order “granted appellant a temporary HRO against respondent” and that the “October 18, 2023 order scheduled an evidentiary hearing on appellant’s HRO petition,” which was still pending in the district court at the time of the appeal. *Id.* at *1-2. We further explained that “[b]ecause the October 18, 2023 order did not adjudicate appellant’s HRO petition,” it was not a final appealable order. *Id.* We noted that “[t]he scheduling order did not decide appellant’s HRO petition or prevent the district court from entering a final, appealable order deciding that petition.” *Id.* at *2. We ordered that appellant “may seek review of the October 18, 2023 scheduling order in a timely appeal from a final order issued after the evidentiary hearing on appellant’s HRO petition.” *Id.*

After this court’s decision, the district court scheduled an evidentiary hearing for April 9, 2024. On April 8, 2024, at 11:25 p.m., appellant filed a “Motion to Vacate Unlawful Hearing and Affidavit of Fraud by Court Clerk(s).” Among other requests, appellant asked the district court to cancel the evidentiary hearing on his HRO petition—which was scheduled for the following morning—and that the “standing HRO Order be restored” and remain in effect for two years from the date of filing. Appellant did not appear for the scheduled evidentiary hearing on April 9. The district court denied and

dismissed appellant's motion as untimely, dismissed appellant's HRO petition for "failure to prosecute," and vacated the previously issued TRO.

This appeal follows.

DECISION

We begin with the standards that govern our review. "[O]n appeal error is never presumed. It must be made to appear affirmatively before there can be reversal. . . . [T]he burden of showing error rests upon the one who relies upon it." *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted). Issues that are not adequately briefed are waived. *Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982) (stating that "[t]his issue was not argued in the briefs and accordingly must be deemed waived"). And, "[a]n assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection." *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971).

With these principles in mind, we turn to appellant's request for relief from this court, which is as follows:

Appellant herewith seeks in the ends of justice the immediate restoration and modification of the Harassment Restraining Order already issued, or an equivalent replacement of same, modified to include Respondent's employer and attorney *en banc*, to remain in effect for a term of not less than twenty-five (25) years in duration, and which bars said parties from any further contact by any means with Appellant at any location.

Appellant asserts multiple errors in his brief to this court including but not limited to “unprecedented frauds upon the court” and the failure of “numerous district court judicial officers . . . to accurately comprehend and duly incorporate” the applicable HRO statute and procedures therein, as well as “the case record, procedural history, and the district[] [court’s] own orders.”

At the heart of appellant’s arguments is his assumption that the July 5, 2023 TRO was not a “temporary” prehearing HRO. He argues that his “case was *incontrovertibly proved* at [the] hearing on January 24, 2022, and again at [the] hearing on June 20, 2023” and that it is “*not* currently subject to further re-hearing.”

The law-of-the-case doctrine “provides that when a court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case.” *State v. Miller*, 849 N.W.2d 94, 98 (Minn. App. 2014) (emphasis omitted) (quotations omitted). The doctrine is

a rule of practice followed between the Minnesota appellate courts and the lower courts. It is a discretionary doctrine developed by the appellate courts to effectuate the finality of appellate decisions. It ordinarily applies where an appellate court has ruled on a legal issue and has remanded the case to the lower court for further proceedings.

Loo v. Loo, 520 N.W.2d 740, 744 n.1 (Minn. 1994) (citation omitted).

In dismissing appellant’s second appeal in this case, we reasoned that the July 5, 2023 order “granted appellant a temporary HRO against respondent,” that appellant’s HRO petition was “still pending in district court,” and that the October 18, 2023 order “did not adjudicate appellant’s HRO petition” and “did not decide appellant’s HRO petition or

prevent the district court from entering a final, appealable order deciding that petition.” *Williams II*, 2023 WL 8868266, at *1-2. Thus, we have already determined that the July 5, 2023 order was a TRO, and not an HRO. That determination governed future proceedings in the district court, and it is not subject to review in this appeal. *See Miller*, 849 N.W.2d at 98 (discussing law-of-the-case doctrine); Minn. R. Civ. App. P. 140.01 (“No petition for rehearing shall be allowed in the Court of Appeals.”).

In sum, after we dismissed appellant’s second appeal in this matter, the case returned to district court for a decision on the merits of appellant’s HRO petition. *Williams II*, 2023 WL 8868266, at *1-2. The district court held a hearing on June 20, 2023, and the July 5, 2023 TRO followed. Because respondent requested a hearing to challenge that TRO, the next step in the process was a hearing on the merits of appellant’s HRO petition, which had not yet occurred. *See* Minn. Stat. § 609.748, subds. 4(e) (“If the temporary restraining order has been issued and the respondent requests a hearing, the hearing shall be scheduled by the court upon receipt of the respondent’s request.”), 5(b)(3) (stating that the district court may issue an HRO if certain requirements are met, including that “the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment”).

The hearing on the merits of appellant’s HRO petition was scheduled for April 9, 2024. The record shows that appellant was aware of that scheduled hearing and did not appear. Instead, he filed a motion less than 24 hours before the hearing, erroneously asserting that an HRO had already been issued, and requesting that the hearing be canceled. Appellant asserts that the district court erred in denying and dismissing his motion as

untimely and by dismissing his HRO petition for failure to prosecute. But appellant does not provide adequate briefing or legal argument in support of those assertions of error, and we discern no obvious prejudicial error. The issues are therefore waived. *See Melina*, 327 N.W.2d at 20; *Schoepke*, 187 N.W.2d at 135.

We appreciate that appellant is without the benefit of legal counsel. However, “[a]lthough some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). Under those standards, appellant has not met his burden to establish reversible error in this appeal. *See Loth*, 35 N.W.2d at 546.

Affirmed.