

*This opinion is nonprecedential except as provided by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
A25-0484**

Peter Richard Rickmyer,
Appellant,

vs.

Xenos Letoi Brooks,
Respondent.

**Filed September 22, 2025
Affirmed
Cochran, Judge**

Hennepin County District Court
File No. 27-CV-22-13073

Peter Richard Rickmyer, Minneapolis, Minnesota (pro se appellant)

Xenos Letoi Brooks, Minneapolis, Minnesota (pro se respondent)

Considered and decided by Cochran, Presiding Judge; Smith, Tracy M., Judge; and
Ede, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Appellant requested that the district court issue an order to show cause as to why respondent should not be held in contempt for violating a harassment restraining order (HRO). The district court denied appellant's request. Following an appeal by appellant challenging the denial, we determined that the district court's order lacked sufficient findings to facilitate appellate review and remanded to the district court for further findings.

Appellant now challenges the district court's order on remand, arguing that the district court did not comply with our remand instructions and abused its discretion by denying appellant's request for an order to show cause. Because the district court made sufficient findings to facilitate appellate review and the district court acted within its discretion when it denied appellant's request, we affirm.

FACTS

Appellant Peter Richard Rickmyer and respondent Xenos Letoi Brooks are neighbors with a history of acrimony. In July 2022, the parties had an altercation on a Metro Transit bus during which Brooks punched, kicked, and used pepper spray on Rickmyer. Following the altercation, Rickmyer petitioned for an ex parte HRO against Brooks. The district court granted the petition and issued a temporary HRO. Following an evidentiary hearing in January 2023, the district court issued an order making the HRO permanent and providing that the HRO "shall remain in effect according to its terms until September 8, 2024." One of the terms of the HRO prohibited Brooks from "taking pictures of [Rickmyer] without permission of [Rickmyer]."

In March 2023, Rickmyer filed his first request for an order requiring Brooks to show cause as to why Brooks was not in contempt of court for violating the HRO. The district court granted Rickmyer's request for an order to show cause and held a hearing to determine whether Brooks should be held in contempt. At the hearing, Rickmyer alleged that Brooks violated the HRO by, among other allegations, taking pictures of Rickmyer with a security camera installed on Brooks's home. In May 2023, the district court denied Rickmyer's request to hold Brooks in contempt, finding in relevant part that Brooks

credibly testified that he “does have security cameras, but they are not for recording [Rickmyer].” Rickmyer did not appeal from the May 2023 order.

In June 2024, Rickmyer again sought an order to show cause, alleging that Brooks was in violation of the HRO. This second request is the request that is at issue in this appeal. In his filing, Rickmyer alleged that Brooks violated the HRO by installing a security camera on the outside of the “second floor of his house,” which Rickmyer claimed captured Rickmyer’s “second floor bathroom and bedroom . . . windows.” A referee denied the request and the district court countersigned the referee’s order. Rickmyer sought review by the district court of the referee’s order. A few days later, the district court filed an order confirming the referee’s order and denying the request for review. In that order, the district court wrote that denial of Rickmyer’s request for an order to show cause was proper because the request was “duplicative and without merit.”

Rickmyer appealed to this court. *Rickmyer v. Brooks*, No. A24-1157, 2025 WL 521305 (Minn. App. Feb. 11, 2025) (order op.). We concluded that the district court’s order lacked sufficient findings to facilitate meaningful appellate review of the district court’s determination that Rickmyer’s request was “duplicative and without merit.” *Id.* at *2. We noted that neither the referee’s order nor the district court’s order discussed the actual alleged violation. *Id.* We therefore remanded the case to the district court “for further findings consistent with this order opinion.” *Id.* at *3. We also noted that at the time of the filing of our order opinion, the HRO had expired and left it to the district court’s discretion “whether to take that fact into consideration on remand.” *Id.* at *2.

In its March 2025 order on remand, the district court made additional findings to support its denial of Rickmyer's request for an order to show cause. The district court noted that Rickmyer alleged that Brooks had "a security camera on the side of his home and that this [was] a violation of the [HRO]." Based on pictures submitted by Rickmyer, the district court found that "the security camera [was] within a standard placement on the side of [Brooks's] house." The district court further found that Brooks "has the right to have a security camera for safety measures." As a result, the district court determined that the camera did not "constitute[] 'taking photos of [Rickmyer] without [Rickmyer's] consent' as contemplated by the terms of the HRO." The district court therefore reaffirmed its earlier determination that Rickmyer's request for an order to show cause due to a violation of the HRO was "without merit." The district court further found that Rickmyer had filed an earlier request "to hold [Brooks] in contempt." And the district court specifically noted that its May 2023 order had "addressed the issue of the security camera . . . , finding that [Rickmyer] failed to establish that [Brooks] substantively violated the HRO." Based on these findings, the district court determined that Rickmyer's most recent request for an order to show cause was "duplicative." Finally, the district court considered whether an order to show cause would serve its intended purpose given that the HRO had already expired. The district court noted that the purpose of civil contempt is to induce future compliance with a district court order, not to punish. And, because the HRO was no longer in effect, the district court determined that civil contempt was not the proper remedy because "doing so would be punitive rather than remedial."

Rickmyer appeals.

DECISION

Rickmyer challenges the district court's order after remand. Rickmyer argues that the district court abused its discretion by failing to follow this court's instructions on remand and denying his request for an order to show cause. Brooks did not file a responsive brief. We therefore consider Rickmyer's arguments on the merits and conclude that neither of his arguments are availing. *See* Minn. R. Civ. App. P. 142.03 (stating that "[i]f the respondent fails or neglects to serve and file [their] brief, the case shall be determined on the merits").

I. The district court followed this court's instructions on remand and made sufficient findings for appellate review.

Rickmyer argues that the district court did not follow our instructions on remand and once again failed to make sufficient factual findings to facilitate appellate review. We disagree.

"On remand, a district court must execute an appellate court's mandate strictly according to its terms and lacks power to alter, amend or modify that mandate." *State by Smart Growth Minneapolis v. City of Minneapolis*, 7 N.W.3d 418, 428 (Minn. App. 2024) (quotations omitted), *rev. denied* (Minn. Aug. 20, 2024). If the instructions from a remanding court are not specific "as to how [the district court] should proceed in fulfilling the remanding court's order, the [district] court has discretion . . . to proceed in any manner not inconsistent with the remand order." *Duffey v. Duffey*, 432 N.W.2d 473, 476 (Minn. App. 1988). "Appellate courts review a district court's compliance with remand

instructions under the deferential abuse of discretion standard.” *Smart Growth*, 7 N.W.3d at 429 (quoting *Janssen v. Best & Flanagan, LLP*, 704 N.W.2d 759, 763 (Minn. 2005)).

In our prior opinion, we concluded that the district court’s findings were not sufficiently detailed to facilitate meaningful appellate review of the district court’s determination that Rickmyer’s request was “without merit” and “duplicative.” *Rickmyer*, 2025 WL 521305, at *2. We also noted that there was no discussion of the alleged violation of the HRO. *Id.* Accordingly, we remanded to the district court “for further findings consistent with [our] order opinion.” *Id.* at *3.

In its order on remand, the district court made additional findings in support of its prior determination that Rickmyer’s request for an order to show cause was both “without merit” and “duplicative.” The district court first made findings regarding whether the request was without merit. The district court found that Rickmyer and Brooks are next door neighbors and the terms of the HRO prohibited Brooks from taking pictures of Rickmyer without his permission. The district court noted that Rickmyer alleged Brooks violated the HRO by having “a security camera on the side of his home.” Rickmyer filed pictures of the security camera with the district court in support of his allegations. The district court found that these pictures demonstrate that “the security camera is within a standard placement on the side of [Brooks’s] house.” The district court also found that Brooks had “the right to have a security camera for safety measures.” Based on these findings, the district court determined the camera on Brooks’s house did not “constitute[] ‘taking photos of [Rickmyer] without [Rickmyer’s] consent’ as contemplated by the terms

of the HRO” and, as a result, Rickmyer’s request for an order to show cause based on Brooks’s security camera was without merit.

Regarding the district court’s determination that Rickmyer’s request was duplicative, the district court found that Rickmyer had filed “multiple requests to hold [Brooks] in contempt, which have been denied.” The district court further found that it had “addressed the issue of the security camera in its May 11, 2023, Order, finding that [Rickmyer] failed to establish that [Brooks] substantively violated the HRO.” Based on these findings, the district court determined that Rickmyer’s “request to again hold [Brooks] in contempt for the issue of the security camera is duplicative.”

In sum, the district court strictly followed our remand instructions by making further findings explaining the basis for the district court’s conclusion in its prior order that Rickmyer’s June 2024 request for an order to show cause was without merit and duplicative. We discern no abuse of discretion by the district court in this regard.

We also conclude that the district court’s findings in its order on remand are sufficient to allow for meaningful appellate review of the district court’s determination that Rickmyer’s request is without merit and duplicative. “Our ability to engage in effective appellate review of the exercise of . . . discretion depends on the presence of factual findings and legal analysis that sufficiently demonstrate that the district court considered all relevant factors.” *State ex rel. Swanson v. 3M Co.*, 845 N.W.2d 808, 816 (Minn. 2014). As detailed above, the district court made ample findings in its order on remand detailing the factual basis for its decision. The district court’s order also includes legal support for its decision. Accordingly, we discern no basis to require additional findings or explanation

by the district court, and we turn to Rickmyer’s substantive challenge to the district court’s decision.

II. The district court did not abuse its discretion when it denied Rickmyer’s request for an order to show cause.

Rickmyer argues that the district court abused its discretion in denying his request for an order to show cause, arguing in general terms that the district court’s denial was unwarranted. We are not persuaded.

A district court has broad discretion in determining whether to hold a party in contempt. *Crockarell v. Crockarell*, 631 N.W.2d 829, 833 (Minn. App. 2001), *rev. denied* (Minn. Oct. 16, 2001). Contempt is an extreme remedy that “must be exercised with caution.” *Newstrand v. Arend*, 869 N.W.2d 681, 692 (Minn. App. 2015), *rev. denied* (Minn. Dec. 15, 2015). The purpose of a civil contempt order is “remedial—in general, vindicating the rights of a party by imposing a sanction that will be removed *upon compliance with a court order that has been defied*.” *State v. Tatum*, 556 N.W.2d 541, 544 (Minn. 1996) (emphasis added). Indeed, when faced with an allegation that a respondent has violated an HRO, the district court “may” but is not required to “issue an order to the respondent requiring the respondent to . . . show cause why the respondent should not be held in contempt of court.” Minn. Stat. § 609.748, subd. 6(i) (2024); *see also* Minn. Stat. § 645.44, subd. 15 (2024) (stating that when interpreting a statute, the word “[m]ay” is permissive”). And an order to show cause is not the only remedy for a violation of an HRO. *See* Minn. Stat. § 609.748, subd. 6(b)-(d) (2024) (stating that a person who violates an HRO can be subject to criminal punishment).

We review the district court’s decision regarding whether to invoke its contempt power for an abuse of discretion. *Sehlstrom v. Sehlstrom*, 925 N.W.2d 233, 239 (Minn. 2019). The party challenging a district court’s decision on appeal has the burden to show an abuse of discretion. *Blehr v. Anderson*, 955 N.W.2d 613, 624 (Minn. App. 2021). A district court abuses its discretion by making “findings unsupported by the evidence or by improperly applying the law.” *Sehlstrom*, 925 N.W.2d at 239.

Given the district court’s broad discretion in deciding whether to invoke its contempt power, we discern no abuse of discretion by the district court in denying Rickmyer’s request for an order to show cause. The district court’s findings are supported by the evidence and the district court did not err in its application of the law. The district court found that Brooks’s security camera was “within a standard placement on the side of [Brooks’s] house,” that Brooks has “the right to have a security camera for safety measures,” and that the camera did not violate the terms of the HRO. Rickmyer does not point to any evidence, and our review of the record reveals none, that indicates that any of the district court’s findings are “unsupported by the evidence.” *Id.* Nor do we discern any error of law by the district court in its conclusion that Rickmyer’s request for an order to show cause was “without merit.” To the contrary, as the district court correctly noted, because the HRO had expired, holding Brooks in contempt would not further the purpose of civil contempt to induce compliance with an active district court order. *See Tatum*, 556 N.W.2d at 544 (stating that civil contempt imposes sanctions “that will be removed

upon compliance with a court order that has been defied”).¹ Consequently, the district court did not abuse its discretion when it denied Rickmyer’s request for an order to show cause after the expiration of the HRO. *See Sehlstrom*, 925 N.W.2d at 239.

Affirmed.

¹ Rickmyer argues that the district court abused its discretion when it determined that his request for an order to show cause was duplicative, because it did not treat his 2023 and 2024 allegations as factually distinct. Rickmyer emphasizes that two violations of an HRO—caused by similar conduct but occurring at different times—would be separate violations of the HRO. We need not address this argument because we reach our conclusion that the district court did not abuse its discretion assuming without deciding that Rickmyer’s request was not duplicative.