

*This opinion is nonprecedential except as provided by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
A25-0808**

In the Matter of the Civil Commitment of: Edward Everett Urbanek.

**Filed July 13, 2026
Affirmed
Harris, Judge**

Otter Tail County District Court
File No. 56-P7-04-001142

Edward Urbanek, Moose Lake, Minnesota (pro se appellant)

Keith Ellison Attorney General, Angela Helseth Kiese, Assistant Attorney General, St. Paul, Minnesota; and

Michelle Eldien, Otter Tail County Attorney, Fergus Falls, Minnesota (for respondent Otter Tail County Department of Human Services)

Considered and decided by Harris, Presiding Judge; Connolly, Judge; and Schmidt, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

Appellant challenges the district court's denial of his motion under Minnesota Rule of Civil Procedure 60.02 for relief from his indeterminate civil commitment. In a precedential decision, we affirmed the district court. *See In re Civ. Commitment of Urbanek*, 30 N.W.3d 797, 801-06 (Minn. App. 2025), *rev. 'd* (Minn. March 25, 2026). The Minnesota Supreme Court granted further review, and by order, vacated this court's precedential decision and remanded the case to this court for reconsideration. *In re Civ.*

Commitment of Urbanek, No. A25-0808 (Minn. March 25, 2026) (mem.). Appellant argues that the district court abused its discretion because: (1) he had a right to represent himself in the initial civil-commitment proceedings, (2) the district court violated that right by appointing counsel to represent him, constituting a structural error, and (3) the Minnesota Supreme Court's recent opinion in *In re Civ. Commitment of Benson*, 12 N.W.3d 711, 720 (Minn. 2024), changed the relevant decisional law, entitling him to a new commitment hearing. Appellant also argues that the district court abused its discretion by declining to award sanctions under Minnesota Rule of Civil Procedure 11.03. Because the district court acted within its discretion when denying appellant's motions, we affirm.

FACTS

In June 2004, respondent Otter Tail County Department of Human Services petitioned to civilly commit appellant Edward Everett Urbanek to the Minnesota Sex Offender Program (MSOP) as a sexually dangerous person (SDP) and a sexual psychopathic personality (SPP). The district court appointed an attorney to represent Urbanek throughout his commitment proceedings. Urbanek did not request to discharge his court-appointed attorney and did not indicate that he wished to represent himself at any stage of the proceedings.

In 2005, after an initial civil-commitment hearing and a review hearing, the district court indeterminately committed Urbanek to the MSOP as an SDP and SPP. Urbanek appealed his indeterminate commitment, and this court affirmed. *See In re Urbanek*, No. A05-1633, 2006 WL 44358 (Minn. App. Jan. 10, 2006), *rev. denied* (Minn. March 28, 2006). He has since pursued various unsuccessful challenges to his commitment,

including, but not limited to, multiple prior motions for relief from his commitment under Minnesota Rule of Civil Procedure 60.02.

In January 2025, Urbanek filed a motion in district court seeking relief under Minnesota Rule of Civil Procedure 60.02(e) and (f). Urbanek's motion was based on the decision in *Benson*, in which the supreme court held that a person who has been civilly committed may waive his or her statutory right to counsel. 12 N.W.3d at 720. Relying on *Benson*, Urbanek argued he had the right to represent himself during his initial commitment proceedings, and that the district court violated that right by appointing counsel to represent him. He asserted that the appointment of counsel was a "structural error," requiring automatic reversal of his civil commitment. Urbanek also filed a motion for sanctions under Minnesota Rule of Civil Procedure 11.03, contending that the arguments made by the county were frivolous.

The district court denied Urbanek's motions, reasoning in part that: (1) his rule 60.02(e) motion failed on the merits because Urbanek failed to demonstrate a change in decisional law warranting relief, (2) rule 60.02(f) was inapplicable because Urbanek essentially brought the same claims under rule 60.02(e) that he brought under rule 60.02(f), without distinguishing how his claims under rule 60.02(f) were different from those under rule 60.02(e), and (3) sanctions were not an appropriate remedy because Urbanek did not incur out-of-pocket costs as a result of having to respond to what he asserted was a frivolous argument.

In April 2025, Urbanek appealed the district court's decision to this court. We affirmed the district court in a precedential decision, concluding that (1) there was no

constitutional right to self-representation in civil-commitment proceedings, (2) the structural-error doctrine did not apply to a district court's denial of a motion to waive a statutory right to counsel in civil-commitment proceedings, and (3) the district court did not abuse its discretion in denying Urbanek's motion because he did not demonstrate a change in the law that would warrant relief under rule 60.02. *See In re Urbanek*, 30 N.W.3d at 801-06. The Minnesota Supreme Court granted further review, and by order, vacated this court's precedential decision. *In re Civ. Commitment of Urbanek*, No. A25-0808 (Minn. March 25, 2026) (mem.). The supreme court concluded that this court went beyond the scope of what was required to adjudicate the issues on appeal by reaching Urbanek's constitutional arguments and remanded the matter to us for reconsideration of Urbanek's claims without reaching the constitutional arguments. *Id.*

DECISION

I. The district court did not abuse its discretion by denying Urbanek's rule 60.02(e) motion.

Urbanek first argues that the district court abused its discretion in determining that he failed to meet his burden to prevail on his rule 60.02(e) motion. Under this rule, a party may obtain relief from a final judgment if a district court determines that "it is no longer equitable that the judgment should have prospective application." Minn. R. Civ. P. 60.02(e). When deciding a rule 60.02(e) motion, the district court must "determine whether changed circumstances exist and, if so, whether they render it inequitable for the judgment to have prospective application," which "must be determined on a case-by-case basis." *City of Barnum v. Sabri*, 657 N.W.2d 201, 207 (Minn. App. 2003). Changed

circumstances may exist if there has been a change in “the relevant decisional law.” *In re Civ. Commitment of Moen*, 837 N.W.2d 40, 48-49 (Minn. App. 2013) (quotation omitted), *rev. denied* (Minn. Oct. 15, 2013). We review a district court’s denial of a rule 60.02 motion for an abuse of discretion. *In re Civ. Commitment of Johnson*, 931 N.W.2d 649, 655 (Minn. App. 2019), *rev. denied* (Minn. Sept. 17, 2019).

Urbanek asserts that, under *Benson*, he had a constitutional right to represent himself during his initial commitment proceedings and that the district court violated that right by appointing counsel to represent him.

In *Benson*, the supreme court considered whether Minnesota Statutes section 253D.20 (2024), which unambiguously guarantees the right to counsel for civilly committed individuals, also prohibits a civilly committed person from waiving their right to counsel. 12 N.W.3d at 715. There, Benson had been civilly committed to the MSOP as what is now known as an SPP. *Id.* at 713. In 2020, he petitioned the special review board for a reduction in custody and the board recommended denying his petition. *Id.* at 714. Benson appealed this recommendation to the commitment appeal panel (CAP), requesting rehearing and reconsideration. *Id.* The CAP appointed Benson counsel for the CAP hearing. *Id.* Before the rehearing, Benson filed a motion requesting permission to participate in his defense, stating that he “prefer[red] to proceed pro se if at all possible.” *Id.* The CAP denied Benson’s request to proceed self-represented and dismissed his petition for a reduction in custody. *Id.* Benson appealed, arguing that the CAP violated his statutory and constitutional right to self-representation. *Id.*

The supreme court held that while section 253D.20 provided civilly committed individuals with a statutory right to counsel, the statute also allows a civilly committed person to *move* the CAP to waive that right to counsel. *Id.* at 720. In doing so, the supreme court emphasized that the CAP had “sound discretion” to determine “whether a petitioner has validly waived the right to counsel” and allowed the CAP to “terminate self-representation by a civilly committed person who deliberately engages in serious and obstructionist misconduct.” *Id.* at 721 (quotation omitted).

While *Benson* established a right of already committed persons to *move* the CAP to waive the counsel to which they are entitled by section 253D.20, *Benson* neither (a) conferred on committed persons an unfettered and unilateral right to waive that counsel, *id.* at 720-21, nor (b) addressed the counsel-related rights of persons who are not (yet) committed and whose counsel-related rights are addressed by a different statute in a different chapter of the Minnesota Statutes. *See* Minn. Stat. § 253B.07, subd. 2c (2024) (addressing appointment of counsel for persons who are the subject of a commitment petition). Thus, the authority on which Urbanek bases his argument—*Benson*—does not apply here. Accordingly, *Benson* cannot be the changed circumstances making it inequitable for Urbanek’s indeterminate commitment to have prospective application that is required by rule 60.02(e).

Even if changed circumstances were present in light of *Benson*, we would still conclude that the district court did not abuse its discretion in determining that Urbanek failed to meet his burden to prevail on his rule 60.02 motion. Benson requested to “proceed pro se if at all possible.” *Benson*, 12 N.W.3d at 714. Here, unlike *Benson*, Urbanek did

not object to the appointment of counsel. Nor did he indicate that he wished to represent himself at any stage of the proceedings. Urbanek claims that he was “never provided a waiver hearing for self-representation” and that he “was not allowed to object, question witnesses, or participate in his defense.” But he points to no facts in the record indicating that he ever requested to waive his right to counsel and appear self-represented or that he was prevented from doing so.

Accordingly, even under Urbanek’s interpretation of the law, he has not demonstrated that the district court abused its discretion by denying his rule 60.02(e) motion. Urbanek’s argument amounts to a claim that the initial commitment is defective because the district court failed to grant relief he never requested, which does not establish an abuse of discretion.

II. The district court did not abuse its discretion by denying Urbanek’s 60.02(f) motion.

Urbanek next argues that the district court abused its discretion by denying his rule 60.02(f) motion because there were “exceptional circumstances” warranting relief.

Under rule 60.02(f), a district court may grant relief based on “[a]ny other reason justifying relief from the operation of the judgment.” Minn. R. Civ. P. 60.02(f). “Relief under [rule 60.02(f)] is appropriate when the equities weigh heavily in favor of the party seeking relief and relief is required to avoid an unconscionable result.” *Buck Blacktop, Inc. v. Gary Contracting and Trucking Co., LLC*, 929 N.W.2d 12, 20 (Minn. App. 2019) (quotation omitted). Rule 60.02(f) is a residual clause that is “designed to afford relief only

under exceptional circumstances *not addressed* by clauses (a) through (e).” *Johnson*, 931 N.W.2d at 655 (quotation omitted) (emphasis added).

The district court denied Urbanek’s rule 60.02(f) motion for relief, concluding that he essentially brought the same claims under rule 60.02(e) as he brought under rule 60.02(f) without distinguishing how his claims were different. The district court concluded that Urbanek could not simply “re-cast” his 60.02(e) claims under rule 60.02(f) because his claims fit squarely within the framework of rule 60.02(e). We agree with the district court.

Urbanek argues that the “exceptional circumstance” he faces is the “massive curtailment of his right to liberty.”¹ But Urbanek does not demonstrate how this argument differs from his rule 60.02(e) claim—that he was deprived of his liberty by having counsel appointed to represent him during his initial commitment proceedings. Because Urbanek’s request for relief may be addressed by rule 60.02(e), rule 60.02(f) does not apply.

Therefore, we conclude that the district court did not abuse its discretion by denying Urbanek’s rule 60.02(f) motion.

¹ It is unclear what liberty Urbanek alleges is being curtailed. However, if the liberty being curtailed is Urbanek’s purported right to represent himself, the argument is unavailing because (1) as discussed above, *Benson* does not apply to the proceedings prompting his indeterminate commitment; and (2) Urbanek did not actually seek to waive counsel in those proceedings. If the liberty being curtailed is Urbanek’s confinement at the MSOP, the argument is unavailing because it presumes Urbanek’s indeterminate commitment is defective—presumably because he was not allowed to represent himself.

III. We decline to address Urbanek’s argument that the district court abused its discretion in denying rule 11 sanctions because the argument is inadequately briefed.

Finally, Urbanek contends that the district court abused its discretion by declining to impose sanctions against the county under rule 11. Specifically, Urbanek argues that the district court abused its discretion, “because the legal analysis and ruling does not harmonize with the law because when the Minnesota Supreme Court strictly scrutinized civilly committed person’s rights with criminal law and the Sixth Amendment.” Urbanek then repeats his argument that he was denied his due-process rights to self-representation and that the commitment was unconstitutionally punitive. Urbanek cites no statute, case law, or other authority supporting his assertion. We decline to consider issues that are inadequately briefed. *State Dep’t of Labor & Indus. by the Special Comp. Fund v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to reach inadequately briefed issue). This principle applies equally to self-represented litigants. As we have emphasized, although some accommodations may be made for self-represented parties, they are generally held to the same standards as attorneys and must comply with applicable court rules. *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). Accordingly, Urbanek’s claim is not properly before this court.

Affirmed.