

*This opinion is nonprecedential except as provided by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
A25-1729**

Anna Rae Dosso and On Behalf of Minor Children,
Respondent,

vs.

Ben Dosso,
Appellant.

**Filed June 22, 2026
Affirmed
Bratvold, Judge**

Clay County District Court
File No. 14-CV-25-2955

Anna Rae Dosso, Georgetown, Minnesota (pro se respondent)

Ben Dosso, Moorhead, Minnesota (pro se appellant)

Considered and decided by Bratvold, Presiding Judge; Worke, Judge; and Ross,
Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant challenges the district court's grant of a harassment restraining order (HRO) as well as an order denying his motion for a new hearing or to vacate the HRO. Appellant argues that the district court abused its discretion because (1) appellant lacked sufficient notice of the evidentiary hearing on the HRO; (2) the record does not support the

district court's factual findings in the HRO; and (3) the district court excluded appellant's evidence. We affirm.

FACTS

The following summarizes the district court's factual findings as well as the procedural history relevant to understanding the issues on appeal.

In August 2025, respondent Anna Rae Dosso petitioned the district court for an HRO against her former spouse, appellant Ben Dosso.¹ The district court issued an ex parte HRO, finding that Ben “[m]ade uninvited visits to” Anna, “[m]ade harassing phone calls or sent harassing text messages to” Anna, and “[u]sed social media to harass” Anna. The district court found “reasonable grounds to believe that [Ben] has engaged in harassment which has or is intended to have a substantial adverse effect of safety, security, or privacy of [Anna].” The district court prohibited Ben from contacting Anna directly or indirectly or being within 500 feet of her home. But the district court denied Anna's request for the ex parte HRO to extend to the parties' two minor children because the harassment was “not directed against” the children. The district court also ordered that the ex parte HRO remain in effect until August 29, 2027, “unless changed by a later court order.”

The sheriff served Ben with the ex parte HRO, which stated that Ben “can ask the court to change or vacate” the order by filing a timely request for hearing. The ex parte HRO also stated that Ben “shall appear personally in Court for the hearing and explain why the requests made in the Petition should not be granted.”

¹ Because the parties have the same last name, we refer to their first names.

Ben timely requested a hearing. The district court notified the parties that a “Harassment Hearing” was scheduled for September 29, 2025.

The district court conducted an evidentiary hearing on Anna’s petition as scheduled in the notice. Both parties appeared and were self-represented. At the outset of the hearing, Ben told the district court that he failed to bring documentary evidence that he wanted to offer, and the district court stated that it would proceed with the hearing and would not accept late submissions. The district court also conveyed the limited scope of the hearing:

THE COURT: Mr. Dosso, I guess I’ll check with you. Is this matter still contested?

BEN: Yes, Your Honor. And I will be providing my exhibits, hopefully this week, to contest this petition for harassment that Anna Dosso filed. Yes.

THE COURT: All right. *Well, today is the day for the hearing, so if exhibits are not uploaded today, they will not be accepted.*

BEN: Your Honor, if I may, please? I’m deeply sorry. My understanding was that today was a preliminary hearing to basically set the stage and talk about uploading . . . exhibits, as I’ve heard in previous cases. This was my understanding, Your Honor. I honestly believed that it was a preliminary hearing.

I had a hearing, I think, on August 29th, actually. It was an order for protection against [another individual]. And also at that hearing it was basically setting up the stage for extension exhibits and I believed that this was the same hearing today, to extend those exhibits—to set the stage for those exhibits prior to the actual hearing, Your Honor.

. . . .

THE COURT: Mr. Dosso, I don’t know anything that you’re talking about. I have no idea of these other cases or these other people. I don’t know who they are. I don’t know what these other hearings are. I’m only here today on this [HRO].

We are set today for the evidentiary hearing; you were given notice of it; we’re proceeding today.

. . . .

BEN: Your Honor, please? I am sorry that, before I begin, provide a [indiscernible]. The court case I was referring to on August 29 is—

....

THE COURT: It's not before me. It wouldn't be appropriate for me to know anything about it. That must've been . . . in front of a different judge. It's simply, for lack of a better term, it's none of my business. . . . And we're not going to discuss it.

(Emphasis added.)

Anna testified and provided details about the incidents set out in her petition. Ben cross-examined Anna about some of her harassment allegations, but most of his questions related to parenting time and other family-law matters.

Ben testified that he did not harass Anna. He said that he video-recorded child pick-ups and did not communicate with Anna via phone to protect himself from "false allegations." Ben also testified that, in August 2025, Anna "tampered" with his home security camera and banged on his door, then petitioned for an HRO against him. Anna cross-examined Ben, asking about family-law matters that were unrelated to the HRO.

The district court accepted 25 exhibits offered by Anna and stated that Ben had until the end of the day to submit any exhibits he thought were "going to come in at a later date." Near the end of the hearing, Ben asked the district court if he could submit a document explaining how his exhibits "pertain to [his] response to those allegations" in Anna's petition. The district court denied Ben's request and clarified that it had "changed" its decision and that no other submissions were permitted after the hearing.

THE COURT: Today was your chance to refute those things under oath. And if you had exhibits that would back up what you were about to take up or that you were discussing here under oath, then that would be appropriate and I wouldn't need an explanation. *You don't get to put an explanation in with your exhibits, that's not under oath, that Anna doesn't have a chance to cross-examine you on.*

So, no. You can upload your exhibits or if you think that'll be a confusing waste of time, then you don't have to upload anything.

....

But frankly, Ben, I gave you a chance here today to tell me what Anna's lying about and you didn't do it. All you kept talking about is exchanges and what she's done and the family law case and pick-up times and this and that. It's totally irrelevant. You did not refute anything she said today with your testimony.

....

So the problem is, that your exhibits aren't really going to make—unless they back up anything you say, aren't going to really make any difference. And you didn't say anything that was relevant.

So in fact, folks, *I've changed my mind.*

Ben, you're not uploading any exhibits today. I'll take this matter under advisement. I'll get you a decision by the end of the day.

(Emphasis added.)

The next day, the district court filed an order finding that “no evidence or argument was provided that would justify modifying or vacating the HRO” and determined that the “terms of the HRO will stay in place as ordered.”

Ben filed a motion for a new hearing or to vacate the HRO. Ben argued, among other things, that he “was denied a fair opportunity to present [his] defense and evidence because [he] had no notice that the hearing would be evidentiary in nature.” Ben filed with the district court an affidavit and other documents—including text messages, medical records, and police reports—offered to contradict Anna's harassment allegations.

On October 14, 2025, the district court filed an order denying Ben's motion for a new hearing or to vacate the HRO. The district court stated that Ben had the opportunity “to make his claims at the September 29th hearing, but he never came close to negating the

factual showing that he had engaged in conduct that had an adverse effect on the safety, security, or privacy” of Anna. The district court also found that Ben’s affidavit and other submissions did not “do anything to negate that finding of harassment.”

Ben appeals.

DECISION

Ben, who is self-represented, challenges the HRO. Anna was served with Ben’s informal brief and addendum but did not file a respondent’s brief. This court nonetheless determines the appeal on the merits. *See* Minn. R. Civ. App. P. 142.03 (“If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits.”).

We begin by considering the scope of the issues on appeal. First, we consider Ben’s challenge to the district court’s denial of his motion “for a new hearing.” HRO proceedings are special proceedings. *Fiduciary Found., LLC ex rel. Rothfus v. Brown*, 834 N.W.2d 756, 761 (Minn. App. 2013) (“A proceeding is special, within the ordinary meaning of the term ‘special proceeding,’ when the law confers a right, and authorizes a special application to a court to enforce it.” (quotations omitted)), *rev. denied* (Minn. Sept. 17, 2013). A motion for a new hearing is not permissible in special proceedings unless the statute authorizing the special proceeding states as much or the special proceeding involves a trial. *Schiltz v. City of Duluth*, 449 N.W.2d 439, 441 (Minn. 1990); *see also Plumer v. Plumer*, No. A23-0575, 2024 WL 75518, at *2 (Minn. App. Jan. 8, 2024) (applying *Schiltz* in an HRO proceeding).² The statute authorizing HRO proceedings, Minnesota Statutes

² Nonprecedential opinions are not binding on this court but “may be cited as persuasive authority.” Minn. R. Civ. App. P. 136.01, subd. 1(c).

section 609.748, subdivision 3 (2024), does not provide for a trial or a new trial—it provides for a “hearing.” Therefore, a new-hearing motion is not authorized in HRO proceedings. We conclude that the district court did not abuse its discretion by denying a new hearing that is not authorized.

Second, we consider Ben’s challenge to the district court’s denial of his motion to vacate the HRO. *See* Minn. R. Civ. P. 60.02 (stating that the district court “may relieve a party” from a final order for certain enumerated reasons, including mistake, inadvertence, or excusable neglect). Generally, an order denying a motion to vacate is not appealable. *E.g., Angelos v. Angelos*, 367 N.W.2d 518, 519 (Minn. 1985). If, however, such an order is within the scope of review in an otherwise viable appeal, it may be reviewable. Minn. R. Civ. App. P. 103.04 (providing in part that “[o]n appeal from or review of an order the appellate courts may review any order affecting the order from which the appeal is taken”).

Without providing any argument or authority, Ben asserts that the district court abused its discretion by denying his motion to vacate. Appellate courts do not consider issues “based on mere assertion,” with no argument or authority to support them, unless prejudicial error is obvious. *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971). Because we affirm the HRO as detailed below, and no prejudicial error is obvious in the district court’s denial of the motion to vacate the HRO, we conclude that Ben has forfeited this issue.

Third, Ben seeks to overturn the district court's HRO.³ We understand Ben to argue that the district court abused its discretion when it (1) conducted "a merits-based evidentiary hearing without adequate notice"; (2) granted an HRO that "is unsupported by sufficient findings" under the HRO statute; and (3) excluded his evidence and violated his "right to present a defense by refusing to admit or consider his evidence." The preceding list fully summarizes Ben's arguments on appeal. But his brief does not provide any legal argument or authority to support his request for relief. Thus, none of Ben's assertions of error are properly before us, and we need not address them. *See State Dep't of Lab. & Indus. by the Special Comp. Fund v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address an inadequately-briefed issue).

While "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 and must comply with court rules." *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). Because Ben's assertions about the HRO are unsupported by legal argument or authority, we will limit our review of the three issues raised to consider only whether prejudicial error is obvious. *See Schoepke*, 187 N.W.2d at 135. We discuss each of these issues in turn.

³ In his notice of appeal, Ben also stated that he sought review of the district court's ex parte HRO. Even if we assume that the ex parte HRO is within the scope of review on appeal, Ben did not make any arguments about the ex parte HRO in his brief to this court. We therefore conclude that Ben fails his burden to show error on the ex parte HRO. *Brozovich v. Comm'r of Revenue*, 17 N.W.3d 743, 749 n.5 (Minn. 2025) (stating that errors are "never presumed" on appeal and that the "burden of showing error rests upon the one who relies upon it" (quotations omitted)).

I. The district court gave Ben adequate notice of the evidentiary hearing.

Ben argues that the district court violated his due-process rights “by conducting a merits-based evidentiary hearing without adequate notice.” Ben maintains that he “received no notice that the September 29, 2025 hearing would be an evidentiary hearing.” We review allegations of due-process violations de novo. *Plocher v. Comm’r of Pub. Safety*, 681 N.W.2d 698, 702 (Minn. App. 2004).

Both the United States and Minnesota Constitutions provide that the government may not deprive a person “of life, liberty, or property without due process of law.” U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7. Adequate notice of a hearing is essential to protecting a party’s due-process rights. *In re Welfare of Child. of G.A.H.*, 998 N.W.2d 222, 235 (Minn. 2023). Procedural due process also requires the opportunity for a party “to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quotation omitted). Ben does not dispute that he had an opportunity to be heard at the evidentiary hearing, and we discuss the district court’s exclusion of Ben’s documentary exhibits below.

As to Ben’s challenge that he did not receive adequate notice of the evidentiary hearing, the record shows otherwise. The ex parte HRO stated that Ben “can ask the court to change or vacate” the order by filing a request for a hearing and that Ben “shall appear personally in Court for the hearing and explain why the requests made in the Petition should not be granted.” A sheriff’s certificate of service shows that Ben was personally served with the ex parte HRO on September 3, 2025, and Ben acknowledged that he was “personally served” with the ex parte HRO when he requested a hearing. After Ben

requested a hearing, the district court provided him notice of a “Harassment Hearing” scheduled for September 29, 2025.

Thus, Ben received notice of the hearing and that the hearing would provide the opportunity for him to explain why the HRO should not be granted. We conclude that the district court gave Ben adequate notice of the evidentiary hearing and did not violate due process.

II. The record supports the district court’s factual findings in the HRO.

Ben argues that the HRO is “unsupported by sufficient findings” under Minnesota Statutes section 609.748 (2024) and that “the errors were prejudicial.” Appellate courts review the district court’s grant of an HRO for abuse of discretion. *Borth v. Borth*, 970 N.W.2d 699, 701 (Minn. App. 2022). “A district court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on record.” *Id.* (quotation omitted).

We review the district court’s factual findings for clear error and defer to its credibility determinations. *Kush v. Mathison*, 683 N.W.2d 841, 843-44 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). We view the evidence “in a light favorable to the findings” and do not “reweigh the evidence” or “reconcile conflicting evidence” on appeal. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (quotation omitted); *see Wilson v. Wilson*, 11 N.W.3d 331, 337 (Minn. App. 2024) (applying *Kenney* in an HRO appeal), *rev. denied* (Minn. Dec. 17, 2024).

A district court may issue an HRO if “the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.” Minn. State

§ 609.748, subd. 5(b)(3). “Harassment” includes “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.” *Id.*, subd. 1(a)(1).

The district court determined that Anna’s petition, exhibits, and testimony provided “reasonable grounds to believe that [Ben] has engaged in harassment which has or is intended to have a substantial adverse effect on safety, security, or privacy of [Anna].” The district court also found that Ben (1) made “uninvited visits” to Anna; (2) made “harassing phone calls or sent harassing text messages” to Anna; and (3) “[u]sed social media to harass” Anna.

Our careful review of the record shows that the evidence fully supports the district court’s factual findings. Anna’s petition, exhibits, and testimony describe Ben engaging in repeated unwanted acts and show the adverse effect on Anna. We conclude that, when this evidence is viewed in a light favorable to the district court’s findings, it supports the district court’s determination that Ben harassed Anna under section 609.748, subdivision 5(b)(3). Thus, the district court did not abuse its discretion in granting the HRO.

III. The district court’s exclusion of Ben’s documentary evidence did not prejudice his substantial rights.

Ben argues that the district court violated his “right to present a defense by refusing to admit or consider his evidence.” Ben maintains that he was “denied the opportunity to submit documentary evidence” that he did not harass Anna.

At the evidentiary hearing, the district court refused to continue the hearing and ultimately refused to allow Ben to submit exhibits after the hearing. The district court explained that Ben had notice of the evidentiary hearing and that Anna would not “have a chance to cross-examine” Ben on any post-hearing submissions. In support of his later motion for a new hearing or to vacate the HRO, Ben submitted an affidavit and other evidence, including text messages, medical records, and police reports. The district court denied Ben’s motion, determining, among other things, that “[n]one of the thirteen submissions from [Ben] or [Ben’s] affidavit do anything to negate that finding of harassment.”

The district court has discretion over the admission of relevant evidence and whether to continue a hearing. *Kroning v. State Farm Auto. Ins. Co.*, 567 N.W.2d 42, 45-46 (Minn. 1997) (evidentiary rulings); *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 296-97 (Minn. App. 2007) (continuances). Thus, we review the denial of a continuance and the exclusion of evidence for abuse of discretion. *Torchwood Props., LLC v. McKinnon*, 784 N.W.2d 416, 418 (Minn. App. 2010) (reviewing the denial of a continuance); *Doe 136 v. Liebsch*, 872 N.W.2d 875, 879 (Minn. 2015) (reviewing the exclusion of evidence).

Even if we assume that the district court abused its discretion by denying the late submission of Ben’s exhibits and denying a continuance of the evidentiary hearing, such an error is not a basis for relief on appeal. Courts “must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.” Minn. R. Civ. P. 61; *see Kallio v. Ford Motor Co.*, 407 N.W.2d 92, 98 (Minn. 1987) (stating that, “[a]lthough error may exist, unless the error is prejudicial, no grounds exist for reversal”). And the

party seeking relief bears the burden of establishing error and prejudice. *Sinda v. Sinda*, 949 N.W.2d 170, 176 (Minn. App. 2020).

We conclude that the district court's exclusion of Ben's post-hearing evidentiary submissions did not prejudice him because the district court reviewed Ben's exhibits along with Ben's motion to vacate the HRO. The district court determined that Ben's post-hearing evidentiary submissions did not address or rebut Anna's harassment allegations. Because the district court's decision to deny Ben's late submission of evidence and refusal to continue the hearing did not prejudice Ben by affecting his substantial rights, we conclude that Ben is not entitled to reversal on this ground.

Affirmed.