

*This opinion is nonprecedential except as provided by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
A26-0649**

In the Matter of:

Sarah Rose Vasquez on behalf of Minor Child, petitioner,
Appellant,

vs.

Destiny Marie Rodriguez,
Respondent.

**Filed September 28, 2026
Affirmed
Bond, Judge**

Kandiyohi County District Court
File No. 34-FA-25-295

Sarah Rose Vasquez, Willmar, Minnesota (pro se appellant)

John E. Mack, New London Law, P.A., New London, Minnesota (for respondent)

Considered and decided by Cochran, Presiding Judge; Worke, Judge; and Bond,
Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant-grandmother challenges the district court's denial of her petition for an order for protection (OFP) on behalf of her minor grandchild, arguing that the district court

judge was biased and that the record established that respondent-mother committed domestic abuse against the child. We affirm.

FACTS

On November 24, 2025, appellant Sarah Rose Vasquez (grandmother) petitioned for an ex parte OFP on behalf of her minor grandchild (the child) against the child's mother, respondent Destiny Marie Rodriguez (mother). The petition alleged that, when the child visited grandmother after being in mother's care, grandmother observed various injuries on the child's body, including bruises, rashes, scratches, and fingernail marks. The district court denied the petition and scheduled a hearing.

The contested OFP hearing was held over two days on December 23, 2025, and January 22, 2026. At the hearing, the district court heard testimony from eight witnesses, including the child's father, grandmother, and mother. At the time of the hearing, father and mother were no longer in a relationship and were co-parenting the child. The court received over 55 exhibits into evidence, including photographs and videos taken by grandmother purporting to show the child's injuries. Grandmother testified she made multiple reports to child-protection services based on the same evidence she submitted at the OFP hearings, but those reports "seem[ed] to go nowhere."

Father testified that mother provided excellent care for the child and that he believed grandmother filed the OFP in retaliation against him. Both mother and father testified that they had witnessed the child engage in self-harming behaviors when she became overstimulated. Mother testified that she had taken the child to see a therapist at the Jefferson Learning Center to help with these behaviors. Mother explained that there were

innocent explanations for the injuries depicted in grandmother’s photographs, such as diaper rash and scratches from bug bites. Mother testified that the child acted as “a typical two-year-old”—bumping into things, falling over, running, jumping, and throwing things—which at times caused minor injuries. The district court received as an exhibit a letter from Kandiyohi County Health and Human Services determining that its investigation had yielded no evidence of maltreatment, child-protection services were not needed, and there was insufficient evidence to “support a finding of neglect or physical abuse” or to determine “if the child was physically abused and by who.”

The district court denied grandmother’s OFP petition in a written order, determining that grandmother presented insufficient evidence to prove by a preponderance of the evidence that domestic abuse had occurred or that mother was the perpetrator of abuse.

Grandmother appeals.

DECISION

I. The record does not support grandmother’s claim that the district court judge was biased.

Grandmother argues that the district court demonstrated bias against her. Minnesota judges are required to perform their duties “without bias or prejudice.” Minn. Code Jud. Conduct Rule 2.3(A); *see also State v. Burrell*, 743 N.W.2d 596, 601 (Minn. 2008) (stating that a judge must perform the duties of the office impartially). Appellate courts presume that district court judges properly discharge all judicial duties. *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008). “Whether a judge has violated the Code of Judicial

Conduct is a question of law, which [appellate courts] review de novo.” *State v. Dorsey*, 701 N.W.2d 238, 246 (Minn. 2005).

Grandmother identifies multiple instances of alleged bias. First, grandmother argues that the district court exhibited bias by removing her as a petitioner in a separate custody proceeding. Grandmother does not appeal from the district court’s custody determination, and the custody-related documents grandmother relies on are not part of the record on appeal in this case. *See* Minn. R. Civ. App. P. 110.01 (stating that the appellate record is limited to “documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any”); *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988) (stating that “[a]n appellate court may not base its decision on matters outside of the record on appeal, and may not consider matters not produced and received in evidence below”). Accordingly, we decline to consider this argument.

Second, grandmother asserts that the district court demonstrated bias by determining that she failed to prove that acts of domestic abuse had occurred or that mother committed those acts by a preponderance of the evidence. Adverse rulings are not a basis for imputing bias to a judge. *See Olson v. Olson*, 392 N.W.2d 338, 341 (Minn. App. 1986); *see also Burrell*, 743 N.W.2d at 601-02 (“The mere fact that a party declares a judge partial does not in itself generate a reasonable question as to the judge’s impartiality.”). The district court judge heard testimony from multiple witnesses, reviewed numerous exhibits, and considered the arguments of the parties before dismissing grandmother’s OFP petition. The district court judge did not show bias in its ruling.

Third, grandmother claims that the district court was biased in its subpoena rulings. On the day of the first OFP hearing on December 23, 2025, grandmother submitted a request for a subpoena duces tecum for the child's records from the Jefferson Learning Center. The district court denied the subpoena request on January 2, 2026, because the subpoena form grandmother filled out was for a juvenile-delinquency case, rather than an OFP proceeding. On January 7, 2026, grandmother submitted another subpoena request for the child's therapist at the Jefferson Learning Center to be called as a witness. The record reflects that grandmother again used a subpoena form applicable to juvenile-delinquency cases. There is no evidence in the record available to this court on appeal that the district court ruled on grandmother's second subpoena request, and the therapist did not testify at the OFP hearings.

Grandmother's claim that the district court's subpoena rulings demonstrate bias is unavailing. In the district court, grandmother did not challenge any aspect of the court's actions on the two subpoena requests. *See Thiele*, 425 N.W.2d at 582 (stating that an appellate court will not consider matters not presented to and considered by the district court). Further, grandmother cites no legal authority and offers no legal argument explaining how the district court's actions with respect to the subpoena requests show bias. 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). An assignment of error based on mere assertion, unsupported by argument or authority, is forfeited and need not be considered unless prejudicial error is obvious on

mere inspection. *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971); *see also State, Dep't of Lab. & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address an inadequately briefed question). Based on our careful review of the record, we conclude that grandmother's argument that the district court's actions on her subpoena requests demonstrated bias is forfeited because it is unsupported by legal authority and because prejudicial error is not obvious on inspection. *Wintz*, 558 N.W.2d at 480; *Schoepke*, 187 N.W.2d at 135.

II. The district court did not abuse its discretion by denying grandmother's OFP petition.

Grandmother argues that the district court abused its discretion by denying her OFP petition. We review a district court's decision to grant or deny an OFP for an abuse of discretion. *See Thompson v. Schrimsher*, 906 N.W.2d 495, 500 (Minn. 2018). "A district court abuses its discretion when its decision is based on an erroneous view of the law or is against logic and the facts in the record." *Id.* (quotation omitted). We review the district court's factual findings for clear error. *Gada v. Dedefo*, 684 N.W.2d 512, 514 (Minn. App. 2004). In doing so, we view the record in the light most favorable to the district court's findings, *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009), and do not reconcile conflicting evidence or weigh witness credibility, *Aljubailah v. James*, 903 N.W.2d 638, 643 (Minn. App. 2017).

A district court may issue an OFP to grant relief to a victim of domestic abuse. Minn. Stat. § 518B.01, subd. 4 (2024). The term "domestic abuse" is defined by statute to mean, in relevant part, "(1) physical harm, bodily injury, or assault; (2) the infliction of

fear of imminent physical harm, bodily injury, or assault”; or (3) various enumerated crimes. *Id.*, subd. 2(a) (2024). The petitioner bears the burden to prove by a preponderance of the evidence that the named respondent “committed domestic abuse against the petitioner or the person on whose behalf the petition is brought.” *Schmidt ex rel. P.M.S. v. Coons*, 818 N.W.2d 523, 527 (Minn. 2012); *see Oberg v. Bradley*, 868 N.W.2d 62, 64 (Minn. App. 2015). The preponderance-of-the-evidence standard generally “requires that to establish a fact, it must be more probable that the fact exists than that the contrary exists.” *Oberg*, 868 N.W.2d at 65 (quotation omitted).

After hearing testimony from eight witnesses, including mother and grandmother, and reviewing over 55 exhibits, the district court determined that grandmother’s “suspicion[s] [of abuse] based solely on markings alone that hold alternative and reasonable explanations” were insufficient to establish that mother had domestically abused the child. While grandmother testified that the child’s injuries resulted from mother’s abusive conduct, mother offered evidence to refute that allegation. By declining to issue the OFP, the district court implicitly credited mother’s testimony over grandmother’s testimony. Grandmother essentially asks us to reweigh the evidence that was before the district court and make credibility determinations, something this court cannot do. *See Aljubailah*, 903 N.W.2d at 643 (stating that, on appeal from a decision on whether to grant an OFP, this court “will neither reconcile conflicting evidence nor decide issues of witness credibility” (quotation omitted)). Because the evidence supports the district court’s determination that grandmother failed to prove by a preponderance of the evidence that the child’s injuries resulted from domestic abuse and that mother was the

perpetrator of such abuse, the court did not abuse its discretion in denying grandmother's OFP petition. *See Thompson*, 906 N.W.2d at 500.

Affirmed.