

STATE OF MINNESOTA
IN COURT OF APPEALS

City of Blaine Police Department,
Respondent,

vs.

John Mark Luedtke,
Appellant.

**SPECIAL
TERM
ORDER¹**
A26-1042

Considered and decided by Larkin, Presiding Judge; Reyes, Judge; and Rasmusson, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

This appeal was filed on June 17, 2026. According to the notice of appeal, appellant John Luedtke seeks review of an April 13, 2026 order. In a June 23, 2026 order, we questioned (a) whether the April 13, 2026 order extending the extreme risk protection order until a continued hearing granted temporary relief; (b) if so, whether the April 13, 2026 order is a final order; and (c) if not, whether this appeal must be dismissed as taken from a nonappealable order. The parties filed informal memoranda.

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

The register of actions indicates that, on April 29, 2024, the district court filed an order granting respondent City of Blaine Police Department's petition for an extreme risk protection order regarding appellant. In an April 18, 2025 order, the district court granted respondent's application for an extension of the extreme risk protection order, extending it until April 17, 2026.

On March 31, 2026, respondent filed an application to extend the extreme risk protection order a second time. In an April 13, 2026 order, the district court continued a hearing on respondent's application to extend the extreme risk protection order until May 12, 2026, and extended the order until the continued hearing.²

1. Minn. R. Civ. App. P. 103.03(b)

Appellant contends that the April 13, 2026 continuance order is independently appealable under Minn. R. Civ. App. P. 103.03(b), which allows an appeal "from an order which grants, refuses, dissolves or refuses to dissolve, an injunction."

Appellant argues that an extreme risk protection order under Minn. Stat. § 624.7171, subd. 4(a) (2024), is in the nature of an injunction because the order "enjoin[s] and prohibit[s] the respondent from possessing or purchasing firearms for as long as the order remains in effect." Appellant asserts that the continuance order granted some of the substantive relief sought by the application to extend the extreme risk protection order by enjoining and prohibiting appellant from possessing or purchasing firearms for a defined

² The district court subsequently continued the hearing until August 5, 2026.

period. Appellant argues that the continuance order did not preserve the status quo because it extended the extreme risk protection order beyond its end date.

In *Howard v. Svoboda*, the supreme court ruled that we lack appellate jurisdiction to consider a district court's protective order under rule 103.03(b) because it "was neither styled as, nor had the characteristics of, an injunction." 890 N.W.2d 111, 115 (Minn. 2017). The supreme court reasoned that (1) the district court issued only what it styled as a protective order and expressly declined to reach a motion for injunctive relief, (2) the district court did not apply the equitable factors required for granting or denying a motion for a temporary injunction, and (3) the merits of the underlying professional-negligence claim were not at issue. *Id.* at 114-15.

Recently, in *In re Trust by Johnson*, 25 N.W.3d 880, 882 (Minn. 2025), the supreme court held that an order requiring a trustee to restore real property, removing a trustee from two family trusts, and appointing a successor trustee was not appealable under rule 103.03(b). The supreme court noted that "[j]ust because a court order directs one party to affirmatively act does not create an injunction." *Johnson*, 25 N.W.3d at 888 (quotation omitted). The supreme court reasoned that the trust order was not in the nature of an injunction because no party expressly requested an injunction, the district court did not analyze the trust petition as a request for injunctive relief, and the district court's order decided the merits of part of the underlying petition. *Id.* at 889-90, 892-93.

Here, respondent filed an application to extend the extreme risk protection order for an additional year. In the application, respondent requested a hearing on the request for an

extension. In the event that the district court found it appropriate to wait for our decision in a related appeal before holding a hearing, respondent requested “a temporary extension of the existing Order until a hearing can be convened following” our decision in the related appeal. In the April 13, 2026 order, the district court continued a hearing on the request for an extension and extended the extreme risk protection order until the continued hearing because the court “ordered service by alternate means and the hearing must be continued to allow time for completion of service.”

Respondent did not file a motion for a temporary injunction. The district court’s April 13, 2026 order is not styled as an injunction, and the district court did not analyze any of the equitable factors for an injunction under *Dahlberg Bros. v. Ford Motor Co.*, 137 N.W.2d 314, 321-22 (Minn. 1965), including respondent’s likelihood of success on the merits. We conclude that the April 13, 2026 order continuing the hearing and temporarily extending the extreme risk protection order did not effectively grant an injunction. The April 13, 2026 continuance order is therefore not appealable under Minn. R. Civ. App. P. 103.03(b) as an order granting an injunction.

2. Minn. R. Civ. App. P. 103.03(g)

Appellant contends that the April 13, 2026 continuance order is independently appealable under Minn. R. Civ. App. P. 103.03(g).

An appeal may be taken from a “final order, decision or judgment affecting a substantial right made in an administrative or other special proceeding.” Minn. R. Civ. App. P. 103.03(g). A decision is “final” under rule 103.03(g) when “the matter is

conclusively terminated so far as the court issuing the order is concerned, and the court anticipates no further action on the matter.” *In re Est. of Figliuzzi*, 979 N.W.2d 225, 231 (Minn. 2022) (quotation omitted). An order granting or denying temporary relief is generally not appealable as of right. *See Hennepin County v. Griffin*, 429 N.W.2d 283, 283-84 (Minn. App. 1988) (dismissing appeal of order denying temporary custody).

Appellant argues that the April 13, 2026 continuance order is a final order because it “decided one matter: whether appellant would remain enjoined from April 13, 2026 until the continued hearing” and “[t]hat matter was conclusively terminated the moment the order was issued.” Appellant asserts that respondent’s pending application to extend the extreme risk protection order seeks different relief from the relief granted in the continuance order and that respondent’s pending application therefore does not affect the finality of the continuance order.

Respondent argues that the April 13, 2026 continuance order was “a temporary order that maintained the status quo until the court could properly dispose of the substantive issues.” Respondent asserts that the continuance order allowed the existing extreme risk protection order, “which was already in place, to remain in place while the district court addressed the substantive issues of [respondent’s] petition.” Respondent notes that appellant is “guaranteed a hearing on the merits of [respondent’s] petition.

Respondent initiated a special proceeding by filing the application to extend the extreme risk protection order. The April 13, 2026 continuance order temporarily extended the extreme risk protection order until a continued hearing. Because the continuance order

did not resolve respondent's application to extend the extreme risk protection order, the April 13, 2026 continuance order is not a final order appealable under Minn. R. Civ. App. P. 103.03(g).

3. Discretionary Review

In the alternative, appellant requests that we grant discretionary review over the April 13, 2026 order in the interests of justice.

“Upon the petition of a party, in the interests of justice the Court of Appeals may allow an appeal from an order not otherwise appealable pursuant to Rule 103.03 except an order made during trial” Minn. R. Civ. App. P. 105.01. A petition for discretionary review must be filed within 30 days of the filing of the order. *Id.*

Appellant did not file a timely petition for discretionary review, and respondent has not had an opportunity to respond to appellant's request for discretionary review. Appellant cites no binding authority that allows us to grant discretionary review over a nonappealable order in the absence of a timely petition for discretionary review under Minn. R. Civ. App. P. 105.01. Because the April 13, 2026 order being appealed is not appealable, we must dismiss this appeal.

On July 6, 2026, appellant filed a motion for an extension to order the transcript. Because this appeal is being dismissed, we deny appellant's motion as moot.

IT IS HEREBY ORDERED:

1. This appeal is dismissed.

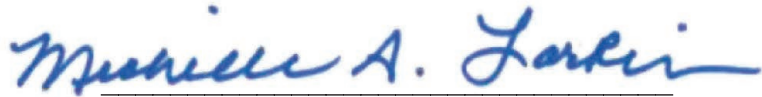
2. Appellant's July 6, 2026 motion for an extension to order the transcript is denied as moot.

3. This order shall not be construed as expressing an opinion on any matters pending in district court.

4. The clerk of the appellate courts shall provide copies of this order to the Honorable Karin McCarthy, the self-represented appellant, counsel for respondent, and the district court administrator.

Dated: July 21, 2026

BY THE COURT

A handwritten signature in blue ink, reading "Michelle A. Larkin", is written over a horizontal line.

Michelle A. Larkin
Presiding Judge