

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOSEPH KIRCHNER,

Case No. 26-CV-0726 (PJS/ECW)

Plaintiff,

v.

ORDER

KEITH ELLISON, in his official capacity
Attorney General of the State of Minnesota,

Defendant.

Plaintiff Joseph Kirchner commenced this action by filing a 105-page “petition for declaratory and injunctive relief” — along with nearly 150 pages of attached exhibits — against defendant Keith Ellison, the Attorney General of the State of Minnesota. ECF No. 1. Kirchner’s original complaint sought wide-ranging and disparate forms of relief, including limits on federal agents’ use of force and other rules governing such agents’ conduct in this State; the return of children who were transported by immigration officials out of Minnesota; a declaration that the Supreme Court’s practice of staying preliminary injunctions exceeds their jurisdiction; a declaration that the doctrine of qualified immunity is illegitimate; and a permanent injunction preventing Ellison from enforcing Minn. Stat. § 626.89, which sets forth the procedures for disciplining peace officers. ECF No. 1 at 97–103.

Ellison moved to dismiss, ECF No. 19, and Kirchner then filed an amended complaint, ECF No. 26. *See* Fed. R. Civ. P. 15(a)(1)(B) (permitting a party to amend its pleading once as a matter of course within 21 days after service of a motion under Fed. R. Civ. P. 12(b)). The amended complaint is 120 pages with nearly 500 pages of attachments. ECF No. 26. Once again, Kirchner seeks wide-ranging and disparate forms of relief, including relief against Ellison for purportedly misstating the law and declaratory relief concerning the Supreme Court's use of interlocutory orders, the legality of qualified immunity, and similar broad statements of law. ECF No. 26 at 95–107. Kirchner also seeks criminal referrals. *Id.* at 107.

This case is an obvious abuse of the Court's already strained resources. Ellison (an employee of the *State*) is obviously not a proper defendant for much of the relief that Kirchner seeks (such as declarations about the powers of *federal* officials), Kirchner obviously lacks standing to seek virtually all of the relief he requests, the Court does not have the power to simply make declarations about broad legal precepts absent an Article III case or controversy, and (to take one of many examples) a federal district court cannot issue relief that binds the Supreme Court.

Among the many problems with Kirchner's amended complaint (as well as his original complaint), the most obvious is that it violates Rule 8(a)(2) of the Federal Rules of Civil Procedure, which requires that a pleading contain "a short and plain statement

of the claim showing that the pleader is entitled to relief.” As Kirchner has already had this pointed out to him in Ellison’s motion to dismiss, and as Kirchner responded by submitting a pleading that even more egregiously violates Rule 8(a)(2), the Court will dismiss his amended complaint.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY ORDERED THAT:

1. The amended complaint [ECF No. 26] is DISMISSED.
2. All pending motions are DENIED AS MOOT.
3. Plaintiff is warned that, should he file additional frivolous complaints or other papers, he may be subject to sanctions, including a filing restriction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 30, 2026

/s/ Patrick J. Schiltz
Patrick J. Schiltz, Chief Judge
United States District Court