

RECEIVED

APR 01 2026

CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

JOSEPH KIRCHNER,

*Plaintiff,*

v.

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

*Defendants.*

Case No. 0:26-cv-00726-PJS-ECW

NOTICE OF APPEAL

NOTICE

1. Plaintiff-Appellant Joseph Kirchner, proceeding pro se, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the Order entered by Chief Judge Patrick J. Schiltz on March 30, 2026 (ECF No. 29), dismissing Appellant's Amended Complaint (ECF No. 26) and denying all pending motions as moot.

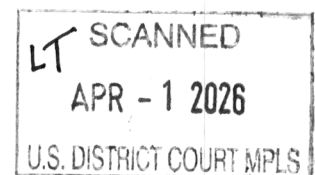
2. This appeal is timely filed within thirty (30) days of the entry of the Order, as required by Federal Rule of Appellate Procedure 4(a)(1)(A).

3. Appellant appeals the Order in its entirety, and specifically raises the following issues for appellate review.

**I. STATEMENT OF ISSUES ON APPEAL**

**A. Failure to Address Severability**

4. The Amended Complaint included three separate severability provisions — at Paragraphs 54, 208, and 255, including a dedicated subsection in the Prayer for Relief



(Section XI.E) — each requesting the Court sever the state-law Chapter 8 claims (Counts I through IV) from the broader federal declaratory relief. The Chapter 8 claims concerned only Defendant's own conduct under Minnesota law, required no federal party, and occupied sixty-five paragraphs of statutory analysis.

5. The district court dismissed the entire Amended Complaint as "wide-ranging and disparate" (ECF No. 29 at 2) without acknowledging any severability request and without evaluating whether the Chapter 8 claims independently satisfied Rule 8(a)(2). The court used the broader federal relief — which was declared severable — as the primary basis for characterizing and dismissing the complaint, including the claims that stood independently.

**Question Presented:** Whether the district court abused its discretion by dismissing the entire Amended Complaint on Rule 8(a)(2) grounds without addressing three separate severability provisions that requested independent evaluation of the state-law Chapter 8 claims.

### **B. Standing Under *Bond v. United States***

6. The Amended Complaint cited *Bond v. United States*, 564 U.S. 211 (2011), which held unanimously that individuals have standing to challenge government action that exceeds constitutional and statutory limits. The Amended Complaint also alleged traditional Article III standing on the Chapter 8 claims: (a) injury in fact — a criminal referral denied through a demonstrably false statement of law; (b) causation —

traceable to Defendant's February 26, 2026 letter; and (c) redressability — through declaratory judgment and injunctive relief against Defendant.

7. The district court stated that "Kirchner obviously lacks standing to seek virtually all of the relief he requests" (ECF No. 29 at 2) without addressing *Bond v. United States*, without evaluating traditional standing on the Chapter 8 claims, and without explaining why standing was "obviously" lacking. The qualifier "virtually all" concedes that some claims possess standing, yet the court dismissed those claims without identifying or addressing them.

**Question Presented:** Whether the district court erred in concluding that Appellant "obviously lacks standing" without addressing Appellant's primary standing authority (*Bond v. United States*, 564 U.S. 211 (2011)) or evaluating traditional Article III standing on the Chapter 8 claims, where the Amended Complaint alleged concrete, particularized injury directly traceable to Defendant's own conduct and redressable by relief against Defendant alone.

### C. Declaratory Relief Under *Marbury v. Madison*

8. The district court stated parenthetically that "a federal district court cannot issue relief that binds the Supreme Court" (ECF No. 29 at 2) as a basis for dismissal. The Amended Complaint did not seek injunctive relief against the Supreme Court. It sought declaratory relief — a judicial declaration of what 28 U.S.C. Section 2101(f) means.

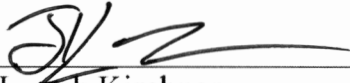
9. Declaratory relief interprets the law; it does not bind any party. Declaring what a statute means is the core judicial function established in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803): "It is emphatically the province and duty of the judicial department to say what the law is." The district court conflated declaratory relief with injunctive relief and used this conflation as a basis for dismissing the entire complaint — including the Chapter 8 claims that sought no relief concerning the Supreme Court.

**Question Presented:** Whether the district court erred in characterizing Appellant's request for declaratory relief regarding 28 U.S.C. Section 2101(f) as impermissible relief that "binds the Supreme Court," when declaratory relief interprets the law without binding any party, and in using this characterization as a basis for dismissing the entire complaint including claims that sought no relief concerning the Supreme Court.

## **II. SCOPE OF APPEAL**

10. This appeal challenges the district court's procedural disposition of the Amended Complaint — specifically, the failure to address severability, the failure to evaluate standing under *Bond v. United States*, and the conflation of declaratory relief with injunctive relief. This appeal does not raise the merits of Appellant's Chapter 8 claims (Counts I through IV of the Amended Complaint), which Appellant is pursuing through a separate filing in the District of Minnesota.

Respectfully submitted,



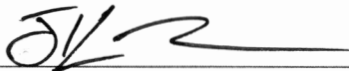
Joseph Kirchner  
4440 Parklawn Avenue, #203  
Edina, MN 55435  
(612) 552-2122  
legal@lawsofexistence.com  
*Plaintiff-Appellant, Pro Se*

Dated: April 1, 2026

### **III. CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated above, a true and correct copy of the foregoing Notice of Appeal was served upon counsel for Defendant-Appellee by First-Class Mail, postage prepaid, and by electronic mail, addressed to:

**Matthew A. McGuire**  
Assistant Attorney General  
Office of the Minnesota Attorney General  
445 Minnesota Street, Suite 1400  
St. Paul, Minnesota 55101-2131  
Email: Matthew.McGuire@ag.state.mn.us



Joseph Kirchner  
*Plaintiff-Appellant, Pro Se*

Dated: April 1, 2026