

U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:24-cv-02646-JRT-DLM
Internal Use Only

Guertin v. Hennepin County et al
Assigned to: Judge John R. Tunheim
Referred to: Magistrate Judge Douglas L. Micko
Demand: \$9,999,000
Cause: 42:1983 Civil Rights Act

Date Filed: 07/08/2024
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Matthew D. Guertin

represented by **Matthew D. Guertin**
1075 Traditions Ct
Chaska, MN 55318
(763) 221-4540
Email: mattguertin@protonmail.com
PRO SE

V.

Defendant

Hennepin County
a municipal entity

represented by **Jamil M. F. Masroujeh**
Hennepin County Attorney's Office
C-2000 Government Center
300 South Sixth Street
Minneapolis, MN 55487
612-596-0683
Email: Jamil.Masroujeh@hennepin.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Lloyd Robert Messerli
Hennepin County Attorney's Office
Civil Division
300 South 6th Street
Ste A20, MC200
Minneapolis, MN 55487
612-348-0727
Email: matthew.messerli@hennepin.us
ATTORNEY TO BE NOTICED

Defendant

Keith Ellison
in his official capacity as Minnesota
Attorney General

represented by **Benjamin Harringa**
Attorney General's Office
MN
445 Minnesota St
Suite 1100

Saint Paul, MN 55101
651-583-6731
Email: benjamin.harringa@ag.state.mn.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mary Moriarty
*in her official capacity as Hennepin
County Attorney*

represented by **Jamil M. F. Masroujeh**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Lloyd Robert Messerli
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Chela Guzman-Weigart
*in her official capacity as Assistant
County Administrator for Law, Safety,
and Justice*

represented by **Jamil M. F. Masroujeh**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Lloyd Robert Messerli
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Julia Dayton-Klein
in her individual capacity

represented by **Benjamin Harringa**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

George F. Borer
in his individual capacity

represented by **Benjamin Harringa**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Danielle C. Mercurio
in her individual capacity

represented by **Benjamin Harringa**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jill Rogstad
*Dr. – in her official capacity as Senior
Clinical Forensic Psychologist in the
Fourth Judicial District*

represented by **Benjamin Harringa**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Adam Milz***Dr. – in his official capacity with
Hennepin County Mental Health*represented by **Benjamin Harringa**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****Jacqueline Perez***in her official capacity as Assistant
Hennepin County Attorney*represented by **Jamil M. F. Masroujeh**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Matthew Lloyd Robert Messerli**

(See above for address)

ATTORNEY TO BE NOTICED**Defendant****Bruce M. Rivers***in his individual capacity*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
07/08/2024	<u>1</u>	COMPLAINT against George F. Borer, Julia Dayton–Klein, Keith Ellison, Chela Guzman–Weigart, Hennepin County, Danielle C. Mercurio, Adam Milz, Mary Moriarty, Jacqueline Perez, Bruce M. Rivers, Jill Rogstad (filing fee \$405, receipt number 4–5891) filed by Matthew D. Guertin. Filer requests summons issued. Case assigned to Judge Jeffrey M. Bryan per 3rd, 4th – Civil Rights list, referred to Magistrate Judge Douglas L. Micko. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Civil Cover Sheet) (jam) (Entered: 07/08/2024)
07/08/2024	<u>2</u>	MOTION for Temporary Restraining Order and Immediate Hearing – Expedited Handling Requested filed by Matthew D. Guertin. (jam) (Entered: 07/08/2024)
07/08/2024	<u>3</u>	Summons Issued as to George F. Borer, Julia Dayton–Klein, Keith Ellison, Chela Guzman–Weigart, Hennepin County, Danielle C. Mercurio, Adam Milz, Mary Moriarty, Jacqueline Perez, Jill Rogstad. CC: Matthew D. Guertin w/ Info Sheet #2 (jam) (Entered: 07/08/2024)
07/08/2024	<u>4</u>	Summons Issued as to Bruce M. Rivers. CC: Matthew D. Guertin w/ Info Sheet #2 (jam) (Entered: 07/08/2024)
07/09/2024	<u>5</u>	ORDER OF RECUSAL. Judge Jeffrey M. Bryan recused. Case reassigned to Judge John R. Tunheim for all further proceedings. NOTE: the new case number is 24–cv–2646 (JRT/DLM) . Please use this case number for all subsequent pleadings. Signed by Judge Jeffrey M. Bryan on 7/9/2024.(ABR) (Entered: 07/09/2024)
07/10/2024	<u>6</u>	Clerk's Notice of APPLICATION FOR PRO SE LITIGANT TO FILE ELECTRONICALLY. Matthew David Guertin is GRANTED e–filing privileges in this case. Pursuant to F.R.Cv.P. Rule 5 and 7(d), Matthew David Guertin has

		consented to electronic service and has agreed to waive service by other means for all subsequent filings in this case, except when electronic service is not allowed under the rules. (KMO) (Entered: 07/10/2024)
07/12/2024	<u>7</u>	SUMMONS Returned Executed by Matthew D. Guertin. George F. Borer served on 7/12/2024, answer due 8/2/2024; Julia Dayton–Klein served on 7/12/2024, answer due 8/2/2024; Keith Ellison served on 7/12/2024, answer due 8/2/2024; Chela Guzman–Weigart served on 7/12/2024, answer due 8/2/2024; Hennepin County served on 7/12/2024, answer due 8/2/2024; Danielle C. Mercurio served on 7/12/2024, answer due 8/2/2024; Adam Milz served on 7/12/2024, answer due 8/2/2024; Mary Moriarty served on 7/12/2024, answer due 8/2/2024; Jacqueline Perez served on 7/12/2024, answer due 8/2/2024; Bruce M. Rivers served on 7/12/2024, answer due 8/2/2024; Jill Rogstad served on 7/12/2024, answer due 8/2/2024. (Guertin, Matthew) (Entered: 07/12/2024)
07/12/2024	<u>8</u>	EXHIBIT A <i>Key Documents Submitted In Guertins Hennepin County District Court Criminal Case 27–CR–23–1886. All of these index numbers cited match those of the courts official case record.</i> re <u>1</u> Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)
07/12/2024	<u>9</u>	EXHIBIT B <i>Motion for Judicial Notice which was prepared by Matthew Guertin and filed pro se into his Hennepin County District Court Criminal Case 27–CR–23–1886. The index number cited matches the courts official case record.</i> re <u>1</u> Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)
07/12/2024	<u>10</u>	EXHIBIT C <i>Affidavit of Fact which was prepared by Matthew Guertin and filed pro se into his Hennepin County District Court Criminal Case 27–CR–23–1886. The index number cited matches the courts official case record.</i> re <u>1</u> Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)
07/12/2024	<u>11</u>	EXHIBIT D <i>Affidavit of Fact prepared by Matthew Guertin and filed pro se into his Hennepin County District Court Criminal Case 27–CR–23–1886. The index number cited matches the courts official case record.</i> re <u>1</u> Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)
07/12/2024	<u>12</u>	EXHIBIT E <i>Affidavit of Fact prepared by Matthew Guertin and filed pro se, into his Hennepin County District Court Criminal case 27–CR–23–1886. This exhibit contains a chronologically ordered presentation of over 250 images which all originated from Guertins cell phone SD memory card. These images are ordered based on image creation dates contained in the metadata of the images themselves. This presentation serves to provide a comprehensive overview of Guertins substantial business related endeavors involving his US Patent 11,577,177 both before, and after the origination of his criminal charges on January 21, 2023, in addition to providing very clear and obvious evidence of his competence. The index number cited matches the courts official case record.</i> re <u>1</u> Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)
07/12/2024	<u>13</u>	EXHIBIT F <i>This exhibit contains all of the official case records of Guertins pro se filed Minnesota Court of Appeals case A24–0780, besides the 10 additional addenda which are included in Exhibits G, H, I, and J</i> re <u>1</u> Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)
07/12/2024	<u>14</u>	EXHIBIT G <i>This exhibit contains the first three of ten total addenda for Guertins pro se, Minnesota Court of Appeals case, A24–0780. These were filed as part of his initial filing on May 10, 2024. Index 04 05/10/24, ADDENDUM–01: Key Motions and</i>

		<i>Orders; Index 05 / 05/10/24, ADDENDUM-02: FRAUD ON THE COURT; Index 06 / 05/10/24, ADDENDUM-03: Data Analysis of MCRO Court Records re 1 Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>
07/12/2024	<u>15</u>	<i>EXHIBIT H This exhibit contains the fourth and fifth, of ten total addenda for Guertins pro se, Minnesota Court of Appeals case, A24-0780. These were filed as part of his initial filing on May 10, 2024; Index 07 / 05/10/24, ADDENDUM-04: Chronological Cell Phone Image Timeline; Index 08 / 05/10/24, ADDENDUM-05: Petitioners Rule 20.01 Exam Report re 1 Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>
07/12/2024	<u>16</u>	<i>EXHIBIT I This exhibit contains the sixth and seventh, of ten total addenda for Guertins pro se, Minnesota Court of Appeals case, A24-0780. These were filed as part of his initial filing on May 10, 2024; Index 09 / 05/10/24, ADDENDUM-06: Communications 01; Index 10 / 05/10/24, ADDENDUM-07: Communications 02 re 1 Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>
07/12/2024	<u>17</u>	<i>EXHIBIT J This exhibit contains the final eighth through tenth, of ten total addenda for Guertins pro se, Minnesota Court of Appeals case, A24-0780. These were filed as part of his initial filing on May 10, 2024; Index 11 / 05/10/24, ADDENDUM-08: Communications 03; Index 12 / 05/10/24, ADDENDUM-09: Patent and Business Dealings 01; Index 13 / 05/10/24, ADDENDUM-10: Patent and Business Dealings 02 re 1 Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>
07/12/2024	<u>18</u>	<i>EXHIBIT K Key documents submitted in Guertins Hennepin County District Court Civil Commitment case 27-MH-PR-23-815. All of the index numbers cited match those of the courts official case record except for Index 100, which was created to provide a citation reference to the courts letter sent in the mail. Furthermore, it is worth pointing out that these are only the documents which Guertin possesses, and has been provided with. As part of Guertins commitment to complete transparency he took the strategic, yet unusual step of submitting all of his civil commitment case documents into the publicly accessible case record of his criminal proceedings by including them as attached exhibits to the various pro se filings he submitted. re 1 Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>
07/12/2024	<u>19</u>	<i>EXHIBIT L A detailed image analysis of the purported Light Stage 6 at USC. This analysis involved the meticulous, and tedious process of using vector imaging software to trace the structural members, lighting fixtures, and controller units across three different images of Light Stage 6. Two of the images are from the supposed 2006 research conducted by Paul Debevec, and one of the images is a screen capture obtained from an online video purported to be from 2018. The entire focus of the analysis being to compare the positions and more importantly the unique rotational alignment of all of the lighting fixtures across the span of 12 years. re 1 Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>
07/12/2024	<u>20</u>	<i>EXHIBIT M A significant amount of documents resulting from Guertins own investigation and research into the alleged theft of his intellectual property. These documents present rather compelling evidence to support the alleged massive criminal conspiracy being carried out against Mr. Guertin due to the incalculable value, and 'revolutionary / breakthrough' nature of the technology contained in his US Patent 11,577,177 re 1 Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>

07/12/2024	<u>21</u>	EXHIBIT N <i>Index 01/ Proof of the Alleged Criminal Conspiracy Targeting Guertins US Patent 11,577,177; Index 02/ LinkedIn Searches For Guertin / Background Information; Index 03/ Netflix / Eyeline Studios Hiring Ads; Index 04/ Chronological TEXT and CALL History / Guertin and Bruce Rivers; Index 05/ Origination of Guertins Criminal Charges / In Depth Analysis and Insight re 1 Complaint., filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/12/2024)</i>
07/16/2024	<u>22</u>	EXHIBIT O <i>THE MINNESOTA APPELLATE DECEPTION – A very informative presentation which serves to irrefutably prove the blatantly deceptive methods being employed by the Minnesota Court of Appeals in their handling of Guertin's 'Petition for Discretionary Review' Case A24–0780, that he filed pro se on May 10, 2024. Both the court and the State NEVER address a single one of Guertin's many SUBSTANTIAL issues he brings before them. It's as if they don't exist at all – an intentionally deceptive portrayal of Guertin's case is the result. re 1 Complaint., filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/16/2024)</i>
07/16/2024	<u>23</u>	EXHIBIT P – <i>CONSPIRACY OF COMMITMENT – A chronologically ordered series of blatantly deceptive events that were carried out by Bruce Rivers, and the Hennepin County Courts for the explicit intention of deceiving Guertin, and trying to spring a trap on him in which he would be surprised by a completely unexpected civil commitment hearing, forced to appear without the court or Bruce Rivers providing Guertin with his Rule 20.01 exam report, and then be detained at court at committed directly to a safe and secure facility where he would be checked up on 'every six months, or until he is restored to competency'. Bruce Rivers tells Guertin "No Court" on Jan 15th and on Jan 16th a court order is submitted which states Guertin made agreements THAT HE NEVER MADE. He should not be declared 'incompetent' currently based on an irrefutable LACK OF INFORMED CONSENT and the deceptive actions of both Bruce Rivers and the court. re 1 Complaint., filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/16/2024)</i>
07/16/2024	<u>24</u>	EXHIBIT Q – <i>ORIGINAL COMPLAINT – This is a digital version of Guertin's original complaint that he personally prepared, and filed in the Minnesota District Court on July 8, 2024. Due to having to file a paper copy of the complaint to initiate the case all of the bookmarks, hyperlinks, and searchability functions were lost. This duplicate filing of the original complaint resolves these issues, making the document much easier to navigate. re 1 Complaint., filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 07/16/2024)</i>
07/16/2024	<u>25</u>	EXHIBIT R – <i>ORIGINAL 'MOTION FOR TRO AND IMMEDIATE HEARING' – This is a digital version of Guertin's original TRO Motion that he personally prepared, and filed in the Minnesota District Court on July 8, 2024. Due to having to file a paper copy of the motion to initiate the case, all of the bookmarks, hyperlinks, and searchability functions were lost. This duplicate filing of the original TRO Motion, including its attached exhibits, resolves these issues, making the document much easier to navigate. re 2 MOTION for Temporary Restraining Order – Expedited Handling Requested filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 07/16/2024)</i>
07/16/2024	<u>26</u>	MEMORANDUM OPINION AND ORDER denying 2 Motion for TRO. (Written Opinion) Signed by Judge John R. Tunheim on 7/16/2024. (HMA) (Entered: 07/16/2024)
07/26/2024	<u>27</u>	NOTICE of Appearance by Benjamin Harringa on behalf of George F. Borer, Julia Dayton–Klein, Keith Ellison, Danielle C. Mercurio, Adam Milz, Jill Rogstad.

		(Harringa, Benjamin) (Entered: 07/26/2024)
07/29/2024	<u>28</u>	NOTICE of Appearance by Jamil M. F. Masroujeh on behalf of Chela Guzman–Weigart, Hennepin County, Mary Moriarty, Jacqueline Perez. (Masroujeh, Jamil) (Entered: 07/29/2024)
08/01/2024	<u>29</u>	MOTION to Dismiss/General filed by George F. Borer, Julia Dayton–Klein, Keith Ellison, Danielle C. Mercurio, Adam Milz, Jill Rogstad. (Harringa, Benjamin) (Entered: 08/01/2024)
08/01/2024	<u>30</u>	NOTICE OF HEARING ON MOTION <u>29</u> MOTION to Dismiss/General : Date and time to be determined. (Harringa, Benjamin) (Entered: 08/01/2024)
08/01/2024	<u>31</u>	MEET and CONFER STATEMENT re <u>29</u> Motion to Dismiss/General filed by George F. Borer, Julia Dayton–Klein, Keith Ellison, Danielle C. Mercurio, Adam Milz, Jill Rogstad.(Harringa, Benjamin) (Entered: 08/01/2024)
08/01/2024	<u>32</u>	MEMORANDUM in Support re <u>29</u> MOTION to Dismiss/General filed by George F. Borer, Julia Dayton–Klein, Keith Ellison, Danielle C. Mercurio, Adam Milz, Jill Rogstad. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Harringa, Benjamin) (Entered: 08/01/2024)
08/01/2024	<u>33</u>	PROPOSED ORDER TO JUDGE re <u>29</u> MOTION to Dismiss/General filed by George F. Borer, Julia Dayton–Klein, Keith Ellison, Danielle C. Mercurio, Adam Milz, Jill Rogstad.(Harringa, Benjamin) (Entered: 08/01/2024)
08/02/2024	<u>34</u>	(Text–Only) NOTICE TO ATTORNEY regarding Dispositive Motions briefing schedule : All dispositive motions must comply with Local Rule 7.1(c). Responses to dispositive motions shall be filed with the Court on or before 21 days after the service of the supporting memorandum to the original motion . Replies to responsive briefs shall be filed 14 days after the service of the response to the dispositive motion. <u>Upon the motion being fully briefed and filed, counsel for the moving party shall email Judge Tunheims chambers at Tunheim_Chambers@mnd.uscourts.gov to request a hearing date.</u> Upon receiving from Judge Tunheims Courtroom Deputy a hearing date, time and location, the moving party shall file the amended notice of hearing at that time. (HMA) Modified text on 8/2/2024 (HMA). (Entered: 08/02/2024)
08/02/2024	<u>35</u>	First MOTION to Dismiss/General filed by Chela Guzman–Weigart, Hennepin County, Mary Moriarty, Jacqueline Perez. (Masroujeh, Jamil) (Entered: 08/02/2024)
08/02/2024	<u>36</u>	NOTICE OF HEARING ON MOTION <u>35</u> First MOTION to Dismiss/General : <i>TBD</i> Date and time to be determined. (Masroujeh, Jamil) (Entered: 08/02/2024)
08/02/2024	<u>37</u>	MEMORANDUM in Support re <u>35</u> First MOTION to Dismiss/General filed by Chela Guzman–Weigart, Hennepin County, Mary Moriarty, Jacqueline Perez. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Masroujeh, Jamil) (Entered: 08/02/2024)
08/02/2024	<u>38</u>	First Declaration of Jamil M.F. Masroujeh in Support of <u>35</u> First MOTION to Dismiss/General filed by Chela Guzman–Weigart, Hennepin County, Mary Moriarty, Jacqueline Perez. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s), # <u>5</u> Exhibit(s))(Masroujeh, Jamil) (Entered: 08/02/2024)
08/02/2024	<u>39</u>	MEET and CONFER STATEMENT re <u>35</u> Motion to Dismiss/General filed by Chela Guzman–Weigart, Hennepin County, Mary Moriarty, Jacqueline Perez.(Masroujeh,

		Jamil) (Entered: 08/02/2024)
08/02/2024	<u>40</u>	PROPOSED ORDER TO JUDGE re Motion to Dismiss. (Masroujeh, Jamil) (Entered: 08/02/2024)
08/05/2024	41	(Text–Only) ORDER/NOTICE TO ATTORNEY. Due to the pending Motions to Dismiss <u>29</u> <u>35</u> , the Court finds there is good cause to delay the entry of a pretrial scheduling order. The Court will schedule a pretrial conference, if needed, promptly after a decision is issued on the pending motions. Ordered by Magistrate Judge Douglas L. Micko on 8/5/2024. (jme) (Entered: 08/05/2024)
08/07/2024	<u>42</u>	First MOTION for Preliminary Injunction <i>Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration of antipsychotic drugs – ALL OF WHICH IS BEING CARRIED OUT AS PART OF THE CIVIL CONSPIRACY GUERTIN ALLEGES – It is all laid out in this motion in an irrefutable manner through the inclusion of supporting evidence. – Expedited Handling Requested</i> filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 08/07/2024)
08/07/2024	<u>43</u>	EXHIBIT S <i>Newly obtained evidence as well as additional email communications being submitted to support Guertins Follow–up motion requesting a preliminary injunction due to now having newly analyzed evidence that substantiates his original claims of fraudulent discovery materials. Additionally, due to Guertin finally being provided with the exam report prepared by Adam Milz in January of 2024 he can prove a substantial risk of irreparable harm due to blatantly deceptive exam reports and the continuing deprivation of his constitutional rights re <u>42</u> First MOTION for Preliminary Injunction Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o</i> filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/07/2024)
08/07/2024	<u>44</u>	EXHIBIT T <i>Fraudulent July 16, 2024 Discovery Materials Provided to Matthew Guertin by Bruce Rivers following his July 16, 2024 1:30pm court appearance. Mr. Guertin conducted a forensic analysis of the photographs purported to be authentic discovery materials originating directly from the camera that police used to take pictures of his residence. This analysis utilizes a color curve method which reveals image manipulation that is focused solely on covering up the laptop screen that Guertin had left sitting open on his kitchen table. Analysis indicates that image manipulation was carried out using an advanced image generation ai model. PART 1 OF 3 re <u>42</u> First MOTION for Preliminary Injunction Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o</i> filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/07/2024)
08/07/2024	<u>45</u>	EXHIBIT U <i>Fraudulent July 16, 2024 Discovery Materials Provided to Matthew Guertin by Bruce Rivers following his July 16, 2024 1:30pm court appearance. Mr. Guertin conducted a forensic analysis of the photographs purported to be authentic discovery materials originating directly from the camera that police used to take pictures of his residence. This analysis utilizes a color curve method which reveals image manipulation that is focused solely on covering up the laptop screen that Guertin had left sitting open on his kitchen table. Analysis indicates that image manipulation was carried out using an advanced image generation ai model. PART 2</i>

		<i>OF 3 re <u>42</u> First MOTION for Preliminary Injunction Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/07/2024)</i>
08/07/2024	<u>46</u>	EXHIBIT V Fraudulent July 16, 2024 Discovery Materials CONTROL GROUP consisting of images which do not contain manipulation for comparison. Includes an additional photograph of a laptop screen that was captured as part of the same set of discovery photographs, in addition to images taken outside. Additionally this exhibit contains all of the image metadata for the analyzed images indicating that they originated directly from a digital camera – This proves that all of the metadata has been fraudulently created based upon the manipulation identified in Guertin's analysis. BOOM. PART 3 OF 3 re <u>42</u> First MOTION for Preliminary Injunction Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/07/2024)
08/07/2024	<u>47</u>	EXHIBIT W INDEX 01, File, Directory, and metadata details of the July 16, 2024 Discovery; INDEX 02, Estimated Value of Guertins US Patent 11,577,177 Over 20 Years; INDEX 03, Bruce Rivers Comment to Guertin About Powerful People; INDEX 04, Text Messages Between Guertin and His Self Professed Former CIA Welder; INDEX 05, Guertins Repeated Attempts to Defend Himself Are Always Thwarted; INDEX 06, Guertin Sets Aside \$5,000 for Digital Forensic Analysis of Drives and Data; INDEX 07, Chronological Continuity of Competence, Understanding, and Rationality; INDEX 08, Guertins Accomplishments Since Being Prescribed Adderall in 2016 re <u>42</u> First MOTION for Preliminary Injunction Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/07/2024)
08/07/2024	<u>48</u>	EXHIBIT X Images showing the design, engineering, and fabrication process Guertin undertook in order to build a working prototype of the InfiniSet Treadmill System. These images serve to show a high level of competency, in addition to serving as irrefutable proof that Guertin is indeed an "engineer" regardless of the blatantly false assertions made by Dr. Jill Rogstad in Guertin's March 2023 Rule 20.01 Exam Report that she prepared. Guertin designed and built the EXACT same unit contained within his patent drawings for US 11,577,177. re <u>42</u> First MOTION for Preliminary Injunction Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/07/2024)
08/14/2024	<u>49</u>	EXHIBIT List Exhibits A through Q re <u>1</u> Complaint,, filed by Matthew D. Guertin. (Guertin, Matthew) (Entered: 08/14/2024)
08/14/2024	<u>50</u>	EXHIBIT List Exhibit R re <u>2</u> MOTION for Temporary Restraining Order – Expedited Handling Requested filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/14/2024)
08/14/2024	<u>51</u>	EXHIBIT List Exhibits S through X re <u>42</u> First MOTION for Preliminary Injunction Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to

		<i>him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o filed by Matthew D. Guertin.(Guertin, Matthew) (Entered: 08/14/2024)</i>
08/14/2024	<u>52</u>	APPLICATION FOR ENTRY OF DEFAULT <i>against Defendant Bruce M. Rivers.</i> (Guertin, Matthew) (Entered: 08/14/2024)
08/14/2024	<u>53</u>	AFFIDAVIT of Service by Matthew D. Guertin re <u>46</u> Exhibit,,, <u>48</u> Exhibit,,, <u>50</u> Exhibit, <u>52</u> Application for Entry of Default, <u>45</u> Exhibit,,, <u>44</u> Exhibit,,, <u>43</u> Exhibit,,, <u>42</u> First MOTION for Preliminary Injunction <i>Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o, <u>51</u> Exhibit, <u>49</u> Exhibit/Exhibit List, <u>47</u> Exhibit,,, Assistant County Attorney, Jamil M. F. Masroujeh; Assistant Attorney General, Benjamin W. Harringa (Guertin, Matthew) (Entered: 08/14/2024)</i>
08/14/2024	<u>54</u>	MEMORANDUM in Opposition re <u>35</u> First MOTION to Dismiss/General , <u>29</u> MOTION to Dismiss/General filed by Matthew D. Guertin. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Guertin, Matthew) (Entered: 08/14/2024)
08/14/2024	<u>55</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>26</u> Order on Motion for TRO by Matthew D. Guertin. Filing fee \$ 605, receipt number AMNDC-11264152. (Guertin, Matthew) Modified text on 8/15/2024 (ABR). (Entered: 08/14/2024)
08/14/2024	<u>56</u>	AFFIDAVIT of Service by Matthew D. Guertin re <u>55</u> Notice of Appeal to 8th Circuit, <u>54</u> Memorandum in Opposition to Motion <i>Assistant County Attorney, Jamil M. F. Masroujeh; Assistant Attorney General, Benjamin W. Harringa</i> (Guertin, Matthew) (Entered: 08/14/2024)
08/15/2024	<u>57</u>	NOTICE of Appearance by Matthew Lloyd Robert Messerli on behalf of Chela Guzman-Weigart, Hennepin County, Mary Moriarty, Jacqueline Perez. (Attachments: # <u>1</u> Certificate of Service)(Messerli, Matthew) (Entered: 08/15/2024)
08/15/2024	<u>58</u>	AFFIDAVIT of Service by Matthew D. Guertin re <u>50</u> Exhibit, <u>52</u> Application for Entry of Default, <u>55</u> Notice of Appeal to 8th Circuit, <u>42</u> First MOTION for Preliminary Injunction <i>Irrefutable Evidence of FRAUDULENT DISCOVERY MATERIALS that were given to him by Buce Rivers on July 16, 2024, blatantly false and deceptive exam reports about Guertin, and the planned, forced administration o, <u>51</u> Exhibit, <u>49</u> Exhibit/Exhibit List, <u>54</u> Memorandum in Opposition to Motion Served upon Defendant Bruce M. Rivers using USPS Priority Express Mail</i> (Guertin, Matthew) (Entered: 08/15/2024)
08/15/2024	<u>59</u>	TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Interlocutory Appeal <u>55</u> . (ABR) (Entered: 08/15/2024)
08/15/2024	<u>60</u>	AMENDED NOTICE OF APPEAL regarding <u>55</u> Notice of Appeal to 8th Circuit by Matthew D. Guertin. (Guertin, Matthew) (Entered: 08/15/2024)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MATTHEW D. GUERTIN,

Civil No. 24-2646 (JRT/DLM)

Plaintiff,

v.

**MEMORANDUM OPINION AND ORDER
DENYING PLAINTIFF’S MOTION
FOR TEMPORARY RESTRAINING
ORDER AND IMMEDIATE HEARING**

HENNEPIN COUNTY,
a municipal entity, et al.,

Defendants.

Matthew D. Guertin, 1075 Traditions Court, Chaska, MN 55318, *pro se* Plaintiff.

Matthew D. Guertin brings this action against Defendants Hennepin County, several state and county officials, and his defense attorney, seeking a temporary restraining order to enjoin state court proceedings against him. Because the Court has no authority to enjoin the state court proceedings, the Court will deny the Motion for Temporary Restraining Order and Immediate Hearing.

BACKGROUND

Guertin was charged in state court with one count of reckless discharge of a firearm and three counts of possession of a firearm without a serial number. *See State v. Guertin*, No. A24-0780, [2024 WL 3320899](#), at *1 (Minn. Ct. App. July 2, 2024). The state court later found Guertin incompetent to proceed. *Id.* Following the incompetency finding, Guertin attempted to discharge his counsel and proceed *pro se*. *Id.* The state

court denied Guertin's motion, and the Minnesota Court of Appeals affirmed the court's decision on July 2, 2024. *Id.* at *2–4. Guertin subsequently filed this action under [42 U.S.C. §§ 1983, 1985](#) and [18 U.S.C. § 1343](#), alleging due process violations, ineffective assistance of counsel, civil conspiracy, gross negligence, violations of state forgery laws, and wire fraud. (Compl., July 8, 2024, [Docket No. 1](#).) Guertin also filed a Motion for a Temporary Restraining Order and Immediate Hearing to enjoin the state court proceedings against him due to “ongoing fraudulent actions and procedural violations in his case.” (Mot. for TRO and Immediate Hr'g at 1, July 8, 2024, [Docket No. 2](#).)

DISCUSSION

A court of the United States may grant an injunction to stay proceedings in state court only when “expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.” [28 U.S.C. § 2283](#). In addition, an exception to § 2283 permits a court to enjoin a state court proceeding “where a person about to be prosecuted in a state court can show that he will, if the proceeding in the state court is not enjoined, suffer irreparable damages.” *See Younger v. Harris*, [401 U.S. 37, 43](#) (1971) (citing *Ex parte Young*, [209 U.S. 123](#) (1908)). However, “a federal court does not have inherent power to ignore the limitations of § 2283 and to enjoin state court proceedings merely because those proceedings interfere with a protected federal right . . . , even when the interference is unmistakably clear.” *Atlantic Coast Line R.R. Co. v. Brotherhood of Locomotive Eng'rs*, [398 U.S. 281, 294](#) (1970).

The Court finds that none of the exceptions to § 2283 apply to Guertin's situation. First, the Court is not aware of, nor does Guertin point to, an Act of Congress that expressly authorizes the Court to enjoin a state court proceeding under these circumstances. Second, the requested injunction is not necessary to aid in the Court's jurisdiction and there are no facts indicating that federal injunctive relief is necessary to prevent the state court "from so interfering with [the Court's] consideration or disposition of a case as to seriously impair the federal court's flexibility and authority to decide that case." *Id.* at 295. Third, the Court has issued no judgment, so there is no judgment to protect or effectuate by issuing an injunction. And finally, Guertin's allegations that the state court proceedings are impeding his constitutional rights are insufficient to demonstrate irreparable harm to justify the issuance of an injunction. Indeed, "even irreparable injury is insufficient unless it is 'both great and immediate.'" *Younger*, 401 U.S. at 46 (quoting *Fenner v. Boykin*, 271 U.S. 240, 243 (1926)). "[T]he threat to the plaintiff's federally protected rights must be one that cannot be eliminated by his defense against a single criminal prosecution." *Id.*

In conclusion, an injunction would be improper under these circumstances. Guertin may raise his constitutional challenges in the state court where his charges are pending. *See State v. Guertin*, No. 27-cr-23-1886 (Minn. Dist. Ct. July 13, 2023). Additionally, there is no indication that the prosecution against Guertin has been brought in bad faith. Put simply, the injury Guertin purportedly faces "is solely that incidental to

every criminal proceeding brought lawfully and in good faith,” which does not entitle him to equitable relief. *Younger*, [401 U.S. at 49](#) (cleaned up).

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Temporary Restraining Order and Immediate Hearing [[Docket No. 2](#)] is **DENIED**.

DATED: July 16, 2024
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MATTHEW D. GUERTIN

Plaintiff,

v.

HENNEPIN COUNTY, a municipal entity;

KEITH ELLISON, in his official
capacity as Minnesota Attorney General;

MARY MORIARTY, in her official
capacity as Hennepin County Attorney;

CHELA GUZMAN-WEIGART, in her
official capacity as Assistant County
Administrator for Law, Safety, and Justice;

JULIA DAYTON-KLEIN, in her
individual capacity;

GEORGE F. BORER, in his
individual capacity;

DANIELLE C. MERCURIO, in her
individual capacity;

DR. JILL ROGSTAD, in her official
capacity as Senior Clinical Forensic
Psychologist in the Fourth Judicial District;

DR. ADAM MILZ, in his official capacity
with Hennepin County Mental Health;

JACQUELINE PEREZ, in her
official capacity as Assistant Hennepin
County Attorney;

BRUCE M. RIVERS, in his
individual capacity.

Defendants.

Case No: 24-cv-02646-JRT-DLM

NOTICE OF APPEAL

I. NOTICE OF APPEAL

Notice is hereby given that Matthew Guertin, the pro se Plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the Order Denying Motion for Temporary Restraining Order, entered in this action on August 7, 2024.

Dated: August 14, 2024

Respectfully submitted,

/s/ Matthew D. Guertin

Matthew David Guertin
Pro Se Plaintiff
1075 Traditions Ct.
Chaska, MN 55318
Telephone: 763-221-4540
MattGuertin@protonmail.com
www.MattGuertin.com



**UNITED STATES
DISTRICT COURT
DISTRICT OF MINNESOTA**

**Warren E. Burger Federal
Building and U.S. Courthouse**
316 North Robert Street
Room 100
St. Paul, MN 55101

**Diana E. Murphy
U.S. Courthouse**
300 South Fourth Street
Room 202
Minneapolis, MN 55415

**Gerald W. Heaney Federal
Building and U.S. Courthouse
and Customhouse**
515 West First Street
Duluth, MN 55802

**Edward J. Devitt U.S.
Courthouse and Federal
Building**
118 South Mill Street
Fergus Falls, MN 56537

TRANSMITTAL OF APPEAL

Date: 8/15/2024

To: U.S. COURT OF APPEALS, 8TH CIRCUIT

From: abr, U.S. District Court-Minnesota

In Re: District Court Case No. 24-cv-2646 (JRT/DLM)
Eighth Circuit Case No.: not yet assigned
Case Title: Guertin v. Hennepin County et al

The statutory filing fee has:

☒ been paid, receipt number: AMNDC-11264152

☐ not been paid as of

IFP ☐ is ☐ is not pending

☐ been waived because:

☐ Application for IFP granted ☐ USA filed appeal

Length of Trial: N/A

Was a court reporter utilized? ☐ Yes ☒ No

If yes, please identify the court reporter: