

**STATE OF MINNESOTA**  
**IN COURT OF APPEALS**



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State of Minnesota,

Respondent,

vs.

Matthew David Guertin,

Petitioner.

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**O R D E R**

#A24-0780

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. On May 10, 2024, petitioner filed a petition for discretionary review of the Hennepin County District Court's April 12, 2024 order denying his motion for self-representation.

2. On May 13, 2024, petitioner was informed via notice of case filing of deficiencies in this appeal. Specifically, petitioner was directed to either (a) pay the \$550 filing fee associated with the petition or provide a copy of an order from the district court granting leave to proceed in forma pauperis (IFP) in this court, and (b) provide proof of filing of a copy of the petition with the district court administrator.

3. On May 14, 2024, petitioner filed proof of filing of the petition with the district court administrator. Accordingly, this deficiency is deemed satisfied.

4. Also on May 14, 2024, petitioner filed a motion in this court for leave to proceed IFP in this court. To proceed IFP in this court and obtain a waiver of the filing

fee, a petitioner is required to make a motion in the district court for such relief, provide a copy of his statement of the case identifying the issues presented, and establish both an inability to pay the filing fee and that the issues to be raised support a finding that the matter is not frivolous. *See* Minn. R. Civ. App. P. 109.02. The district court is required to rule on petitioner’s application within 14 days after it is filed. Minn. R. Civ. App. P. 109.02. The petitioner must then file a copy of a district court order granting leave to proceed IFP in this court to obtain a waiver of the filing fee; the rules do not permit this court to make this determination independently.

5. Also on May 14, 2024, petitioner filed a motion “for public access to appellate filings.” In this motion, petitioner requests that this court (1) direct that all filings in this matter be made immediately available to the public; (2) provide an explanation as to prior restrictions on public access to the filings in this matter; (3) thoroughly review “the procedural and substantive decisions previously made in lower courts” and grant appropriate relief as necessary; and (4) “[c]onfirm that the handling of this case aligns with the highest standards of justice, particularly emphasizing the need for an open and transparent judicial process . . . .”

6. The Minnesota Rules of Public Access to Records of the Judicial Branch “govern access to the records of all courts and court administrators of the judicial branch of the state of Minnesota.” Minn. R. Pub. Access to Recs. of Jud. Branch 1. The general policy of these rules is that “[r]ecords of all courts and court administrators in the state of Minnesota are presumed to be open to any member of the public for inspection or copying at all times during the regular office hours of the custodian of the records,”

unless otherwise exempted from public access by the rules or court order. *Id.* at 2. And these rules do not grant this court the authority to suspend or alter their application.

7. Because the rules of public access are applicable to the parties' filings in this case, and because this court is not permitted to grant public access to any records that are deemed to be nonpublic by those rules, an order of this court directing adherence to the rules of public access is unnecessary.

8. Because petitioner does not identify any records in this matter that are or were previously unavailable to the public, and because he does not provide any authority compelling this court to provide an explanation or justification for any such restrictions, petitioner's request that this court furnish the same is denied.

9. Because the current scope of this court's review in this matter is to determine whether the issues presented by the district court's April 12, 2024 order merit an immediate appeal, this court's disposition of the petition for discretionary review will not involve an examination of district court decisions other than that for which review is being sought and will not provide any other form of relief. *See* Minn. R. Civ. App. P. 105.01-.03. Petitioner's request for a broader scope of review is accordingly denied.

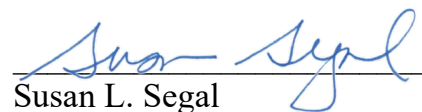
10. Because petitioner provides no authority compelling this court to provide an affirmation that its disposition of this case will "align[ ] with the highest standard of justice," we decline to do so. We note, however, that "it is the responsibility of appellate courts to decide cases in accordance with law." *State v. Hannuksela*, 452 N.W.2d 668, 674 (Minn. 1990).

**IT IS HEREBY ORDERED:**

1. Petitioner's motion to proceed IFP in this court is denied.
2. Petitioner's motion "for public access to appellate filings" is denied.
3. On or before May 31, 2024, petitioner shall either pay the \$550 filing fee for this matter or file with the district court an application to proceed IFP in this court as provided for in Minn. R. Civ. App. P. 109.02.
4. If appellant chooses to apply to the district court for leave to proceed IFP in this court, appellant shall—within 10 days of any order disposing of his application—either pay the \$550 fee or file with this court a copy of the district court's order granting a waiver of fees and costs for this appeal.
5. Failure to comply with this order may result in dismissal of the petition for discretionary review without further notice.

**Dated:** May 17, 2024

**BY THE COURT**

  
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Susan L. Segal  
Chief Judge