

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL - OTHER

Minnesota Gun Owners Caucus,

62-CV-25-9927
Judge: Leonardo Castro

Plaintiff,

v.

**ORDER DENYING
TEMPORARY INJUNCTION**

City of Saint Paul, Minnesota,

Defendant.

The above-entitled matter came before the Honorable Leonardo Castro, Judge of District Court, on December 17, 2025, upon Plaintiff's Motion for a Temporary Injunction. Rob Doar, Esq. appeared on behalf of Plaintiff. Alexander Hsu, Assistant City of St. Paul Attorney, appeared on behalf of Defendant.

Based on the submissions of the parties, the arguments of counsel at the hearing, and on all the files and proceedings in this case:

IT IS HEREBY ORDERED:

1. Plaintiff's Motion for a Temporary Injunction is **DENIED**.
2. The attached memorandum is incorporated by reference.

BY THE COURT:

Dated: January 12, 2026

Leonardo Castro
Judge of District Court

Memorandum

Plaintiff, Minnesota Gun Owners Caucus (“MNGOC”), moves this Court to issue a Temporary Injunction to enjoin the City of Saint Paul (the “City”) from publishing, codifying, or otherwise giving effect to St. Paul Ordinance 25-65 (the “Ordinance”). The Plaintiff argues that the City enacted the Ordinance despite having no legal authority to do so because the Minnesota Legislature has preempted the field of firearms regulation, declaring any inconsistent local ordinance “void” from its inception. *See*, Minn. Stat. § 471.633. The Minnesota Legislature has also preempted the field of regulating the carrying of firearms. (Minn. Stat. § 624.714, subd. 23).

The Plaintiff argues that the City’s action is an *ultra vires* act—an assertion of legislative power that the State has expressly withheld, and when a political subdivision exceeds its statutory authority, it does not merely err; it disrupts the constitutional structure in which the Legislature alone defines the bounds of municipal power. *See Lilly v. City of Minneapolis*, 527 N.W.2d 107, 113 (Minn. Ct. App. 1995) (municipal action is *ultra vires* and “without legal force or effect” when beyond delegated power); *see Jennissen v. City of Bloomington*, 913 N.W.2d 456, 459 (Minn. 2018) (“Cities have no power to regulate in a manner that conflicts with state law or invades subjects that have been preempted by state law.”).

Plaintiff alleges that the harm suffered arises the moment a local government enacts a void ordinance in defiance of state preemption, because the ordinance distorts the legal landscape and signals to citizens that lawful conduct may soon be punished. *See Jennissen*, 913 N.W.2d at 459 (reaffirming that municipalities “have no power to regulate in a manner that conflicts with state law or invades subjects that have been preempted by state law.”). Therefore, the City need not enforce the Ordinance for the harm to be caused. Consequently, the City’s enactment

“causes immediate and irreparable harm by flaunting the authority of the Legislature and sowing confusion about what the law demands.” Pl. Memo. p.2.

On November 12, 2025, the City of Saint Paul Ordinance 25-65 (the “Ordinance”) was passed by unanimous vote of the Saint Paul City Council. The Ordinance was subsequently signed by the Saint Paul City Mayor on November 19, 2025. The Ordinance creates a new Chapter 225A of the City’s Legislative Code titled “Firearms Regulations to Establish Regulations for Assault Weapons, Binary Triggers, Ghost Guns, and Signage.” Under the Ordinance, certain classifications of firearms and firearm modifications are prohibited within the City. Additionally, the Ordinance provides for a general prohibition on firearms within certain, specified “sensitive places.” “Sensitive places” are defined within the Ordinance as “any City-owned, -leased, or -controlled building or property that is open to the public for governmental, educational, recreational, cultural, or civic purposes, including but not limited to City Hall and City offices, libraries, recreation centers, indoor and outdoor park spaces and park buildings, playgrounds, athletic facilities, arenas, and zoos.” Section 225A.01.

The Ordinance includes an express contingency provision that establishes that the new Chapter 225A and “its constituent Ordinances are contingent and shall not take effect, nor be enforced, unless and until” the repeal of Minn. Stat. § 471.633 or passage of “any Minnesota law that is substantially the same as any part of this ordinance or otherwise affirmatively authorizes municipalities to enact and enforce substantially similar regulations.” Section 225A.02. The Ordinance also states that it is “designed to take effect only upon the repeal, amendment, or judicial invalidation of state preemption laws that currently prohibit local regulation of firearms.” (*Id.* at Section 1.)

Plaintiff served the present Complaint on November 12, 2025, seeking declaratory and injunctive relief to invalidate the Ordinance based on its alleged violation state law. Specifically, Plaintiff alleges that the Ordinance is preempted under Minn. Stat. § 471.633 and violates a purported right to carry a firearm in public conferred under the Minnesota Citizens' Personal Protection Act ("MCPPA), Minn. Stat. § 624.714. (*Id.* ¶¶ 17–28.) Plaintiff further alleges that the Ordinance is unconstitutionally vague as to its date of effectiveness and therefore violates the Due Process Clause of the Minnesota State Constitution. (*Id.* ¶¶ 43–49.) Based on these allegations, Plaintiff contends that its individual members are harmed by the resulting legal uncertainty and due to the alleged general harm of the City passing an unlawful ordinance. (*Id.* ¶¶ 35–42.) Plaintiff does not allege nor submit any evidence of any explicit enforcement threats made by the City or its officers in relation to the Ordinance.

Plaintiff filed the present motion for temporary restraining order and preliminary injunction on November 21, 2025. On November 26, 2025, the Court issued an order denying the motion for a temporary restraining order and set Defendant's deadline to respond to Plaintiff's motion on the preliminary (temporary) injunction on December 11, 2025, and Plaintiff's deadline to submit a reply on December 15, 2025. The Court heard arguments on the motion for temporary injunction on December 17, 2025, and took the matter under advisement.

Conclusions of Law

The Minnesota Supreme Court has held that a court should issue temporary injunctions “only in clear cases [that are] reasonably free from doubt, and when necessary to prevent great and irreparable injury.” *AMF Pinspotters, Inc. v. Harkins Bowling, Inc.*, 110 N.W.2d 348, 351 (Minn. 1961) (emphasis added). This means if “there is a close factual dispute which could go either way at a trial on the merits, a court should be reluctant to issue a preliminary injunction.”

Upper Midwest Sales co. v. Ecolab, Inc., 577 N.W.2d 236, 241 (Minn. Ct. App. 1998), citing *Pacific Equip. & Irrigation, Inc. v. Toro Co.*, 519 N.W.2d 911, 918 (Minn. Ct. App. 1994); see also *Allstate Sales & Leasing Co., Inc. v. Geis*, 412 N.W.2d 30, 33 (Minn. Ct. App. 1987) (“Temporary injunctions should only be issued in clear cases, and with great caution and restraint.”). As the moving party, Plaintiff has the burden of proving that it should receive this extraordinary relief. *AMF Pinspotters*, 110 N.W.2d at 351.

When considering a motion for temporary injunctive relief, Minnesota courts must consider these five factors:

1. The relative harm to the parties if the injunction is granted or denied;
2. The likelihood that the party seeking the injunction will be successful on the merits;
3. The relationship of the parties before the dispute;
4. The public interest; and
5. The administrative burdens involved in supervising and enforcing the order.

Dahlberg, Inc. v. Ford Motor Co., 137 N.W.2d 314, 321–22 (Minn. 1965). Courts must consider each of the *Dahlberg* factors. *State By Ulland v. Int’l Ass’n of Entrepreneurs of Am.*, 527 N.W.2d 133 (Minn. Ct. App. 1995). However, failure to make a showing as to the likelihood of success on the merits or the existence of an irreparable harm are sufficient grounds on their own to deny a motion for a temporary injunction. See *Sanborn Mfg. Co. v. Currie*, 500 N.W.2d 161, 164 (Minn. Ct. App. 1993) (explaining failure to show likelihood of success on the merits is proper ground for denial of a temporary injunction; *Morse v. City of Waterville*, 458 N.W.2d 728, 729 (Minn. Ct. App. 1990) (explaining failure to show irreparable harm is sufficient grounds to deny a temporary injunction). In this case, the *Dahlberg* factors support denial of the temporary injunction.

Relative Harms

To show irreparable harm, plaintiffs must identify an injury that is imminent and actual, not hypothetical or remote. *See Costley v. Caromin House, Inc.*, 313 N.W.2d 21, 28 (Minn. 1981) (“A trial court cannot enjoin what a party only assumes . . . or fears will be a possible result.”). This is true even when a party asserts irreparable harm based on the alleged chilling of a fundamental right. *Morehouse Enters., LLC v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 78 F.4th 1011, 1017 (8th Cir. 2023) (denying preliminary injunction of a ghost gun regulation because “the assertion of a possible constitutional violation does not release plaintiffs from their burden of showing that irreparable harm is more than just a “mere possibility”). It is not enough to allege merely that Second Amendment rights are at stake; plaintiffs must “demonstrate that absent a preliminary injunction they will suffer an injury that is neither remote nor speculative, but actual and imminent, and one that cannot be remedied if a court waits until the end of trial to resolve the harm.” *Nat’l Ass’n for Gun Rts. v. Lamont*, 153 F.4th 213, 248 (2d Cir. 2025). Plaintiff has not proven irreparable harm justifying a preliminary injunction.

Notwithstanding Plaintiff’s failure to show an injury that is imminent and actual, Plaintiff does make persuasive “harm” arguments in support of the motion. Specifically, the chilling effect on the exercise of a fundamental constitutional right through a vague ordinance and the constitutional injury inflicted when a local government acts beyond the authority granted to it by the legislature.

Plaintiff correctly argues that the Ordinance’s mere existence forces law-abiding citizens to question whether they can lawfully purchase or possess firearms that, while legal today under state law, are targeted by a dormant but “officially” enacted city regulation. “Such uncertainty inevitably chills protected conduct and imposes a daily constitutional tax on those seeking to

exercise Second Amendment rights” Pl. Memo. p. 8. Plaintiff also persuasively argues that “[w]hen a municipality enacts a law in defiance of express legislative preemption, it violates not just statute but the constitutional allocation of legislative authority. That act itself—independent of enforcement—constitutes a structural injury. It invites legal uncertainty, erodes confidence in the coherence of state law, and puts citizens in the position of having to navigate conflicting commands.” Pl. Memo. p.9. This Court is cognizant of the concerns raised by Plaintiff but cannot conclude the resulting harm fully rises to the level of irreparable harm. On the other hand, the City would suffer no cognizable harm from being enjoined from codifying a dormant regulation it may not have the authority to enact or enforce. A governmental entity has no legally protectable interest in enforcing an ordinance that is preempted and void. Therefore, when balancing the harms, this factor weighs slightly in favor of granting the injunction.

Success on the Merits

As a preliminary matter, Defendant argues that neither statute (Minn. Stat. § 471.633 and Minn. Stat. § 624.714) creates a private right of action and, therefore, Plaintiff cannot prevail on the merits on either of its statutory claims. However, the Minnesota Supreme Court has confirmed that a declaratory judgment is a proper and independent vehicle to test the validity of a municipal ordinance “regardless of whether another remedy exists.” *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 337–38 (Minn. 2011) (quoting *Barron v. City of Minneapolis*, 212 Minn. 566, 569–70, 4 N.W.2d 622, 624 (1942) (“we have long held that a declaratory judgment action is proper to test the validity of a municipal ordinance, regardless of whether another remedy exists.”)).

Here, Plaintiff alleges an *ultra vires* claim: That the City enacted an ordinance in a field from which the Legislature has expressly withdrawn municipal authority and declared

inconsistent local regulation “void.” Minn. Stat. § 471.633. Claims challenging the validity of municipal ordinances as beyond delegated power have long been cognizable in equity and are routinely resolved through declaratory and injunctive relief. *See Barron*, 212 Minn. at 569–70; *Minneapolis Fed’n of Men Teachers, Local 238 v. Bd. of Educ.*, 238 Minn. 154, 157–58 (1952); *McCaughtry*, 808 N.W.2d at 337–39. In such cases, the Uniform Declaratory Judgment Act (“UDJA”) does not create the underlying claim, but rather, it supplies the procedural mechanism by which courts determine whether a municipality acted within the bounds of its authority.

The City contends that because Minn. Stat. §§ 471.633 and 624.714 do not contain an express private right of action, Plaintiff has no claim. However, Plaintiff is not suing the City for damages, and Plaintiff is not asking this Court to compel City compliance with §§ 471.633 or 624.714 through a private enforcement suit. Plaintiff invokes those statutes as limits on municipal authority and seeks a declaration, under the UDJA, that the City acted *ultra vires* and that the Ordinance is void. A statutory city has no inherent powers beyond those expressly or impliedly conferred to it by statute. *See Harstad v. City of Woodbury*, 916 N.W.2d 540, 545 (Minn. 2018); *Country Joe, Inc. v. City of Eagan*, 560 N.W.2d 681, 683 (Minn. 1997); *Bolen v. Glass*, 755 N.W.2d 1, 4–5 (Minn. 2008); *City of Morris v. Sax Invs., Inc.*, 749 N.W.2d 1, 6 (Minn. 2008); *City of Baxter v. City of Brainerd*, 932 N.W.2d 477 (Minn. Ct. App. 2019).

The principal issue this litigation raises is whether the City can enact and codify a law, which they are preempted from acting upon, but prevent it from taking effect until the preemption is lifted. A legislative body, such as a city council, cannot delegate its power to make laws, but having general power of enacting laws, perhaps it may enact them in its own way and give them such effect as it chooses. The Minnesota Supreme Court has that:

[T]he taking effect of a statute may be made contingent on a vote of a city council, and that this does not constitute a delegation of legislative power, and

that when that event happens the statute takes effect and becomes law, by force of the legislative action, as fully as if the Legislature had unconditionally fixed the time when it should take effect.”

State ex rel. v. Sullivan, 67 Minn. 379, 384, 69 N. W. 1094, 1096 (Minn. 1897). Thus, it appears that a law may be made conditional upon some subsequent event.

Plaintiff argues that the difference between cases like *Sullivan* and what the City has done here is that those state legislatures were acting within their sovereign authorities as legislatures. Here, the City only has the authority that a legislature has granted them, and in this particular field – the regulation of firearms – the legislature has explicitly denied the City from being able to operate in this area of law. However, there is no evidence that the City intends to “operate” in this area of the law until the legislature removes the preemption and allows it to do so. *See* City of Saint Paul – File #: Ord 25-65 (stating that Ordinance 25-65 “is designed to take effect only upon the repeal, amendment, or judicial invalidation of state preemption laws that currently prohibit local regulation of firearms”). The City’s policy decision to stand first in line in the hopes that the legislature will act in its favor, is a policy decision this Court should not question.

Yet, while this Court should not question the City’s policy decision, it must question how the City plans for the Ordinance to take effect. The effective date of the Ordinance is conditioned upon one of two triggers taking place: (a) The repeal of Minn. Stat. § 471.633; or (b) the passage of any Minnesota law that is substantially the same as any part of this ordinance or otherwise affirmatively authorizes municipalities to enact and enforce substantially similar regulations. *See* Sec. 225A.02. Chapter Effective Upon Contingent Events. While the former is clear, the latter is not. “Upon the occurrence of either condition, this Chapter and its constituent Ordinances shall be effective immediately, without further action by the City Council, and any language herein must be deemed conformed to the substantially similar state law to the extent

required for consistency.” *Id.* The vagueness associated with the language of “substantially the same” and “substantially similar” cannot be overstated.

Vagueness, in the context of a penal ordinance, means that an ordinance “leaves [its enforcers] free to decide, without any legally fixed standards, what is prohibited and what is not in each particular case.” *Giaccio v. Pennsylvania*, 382 U.S. 399, 402–03 (1966)). Vague laws can violate due process in at least two ways: They “trap the innocent by not providing adequate warning of unlawful conduct” and they “unleash the potential for unfair and uneven law enforcement by not establishing minimal guidelines.” *State v. Becker*, 351 N.W.2d 923, 925 (Minn. 1984). Our courts require “that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). Although these two requirements of due process present “analytically distinct bases upon which one may challenge a statute on vagueness grounds,” *State v. Ness*, 834 N.W.2d 177, 184 (Minn. 2013), the United States Supreme Court has called the second basis—demanding “minimal guidelines to govern law enforcement”—the “more important aspect of the vagueness doctrine.” *Kolender*, 461 U.S. at 358 (quoting *Smith v. Goguen*, 415 U.S. 566, 574 (1974)).

The Ordinance, as it relates to the “substantially the same” and “substantially similar” trigger, would appear to violate due process in failing to provide adequate warning of unlawful conduct and has the potential of unleashing unfair and uneven enforcement by allowing law enforcement to determine what is and isn’t substantially the same. Therefore, as it applies to Sec. 225A.02(a), this factor weighs in favor of denying an injunctive relief. However, as it applies to Sec. 225A.02(b), this factor weighs in favor of an injunction.

Relationship of the Parties

In considering the relationship of the parties, the courts generally emphasize preserving the status quo pending a full trial on the merits. *See State ex rel. Neighbors Organized in Support of Env't v. Dotty*, 396 N.W.2d 55, 59 (Minn. Ct. App. 1986). The City has, through its legislative process, duly passed and codified the subject Ordinance into law. That is the status quo. Plaintiff's present motion seeks to disrupt that status quo by discarding the City's duly passed ordinance and restricting it before any trial on the merits. Furthermore, as already noted, the ordinance is explicitly contingent on a future State action that has yet to pass and therefore no direct enforcement action will arise if it is published as intended. This factor weighs against issuing an injunction.

Public Policy Interests

There is a strong public interest in preserving municipalities' authority and autonomy to legislate. *See Dahlberg*, 137 N.W.2d at 280 (court should consider "legislative expressions which manifest a public policy on the subject" when addressing a request to issue a preliminary injunction); *see also White Bear Docking & Storage, Inc. v. City of White Bear Lake*, 324 N.W.2d 174, 175 (Minn. 1982) ("The court's authority to interfere in the management of municipal affairs is, and should be, limited and sparingly invoked."). Municipalities have generally been accorded wide latitude in the exercise of police powers. *See Alexander Co. v. City of Owatonna*, 24 N.W.2d 244, 251 (Minn. 1946).

The City's democratically elected councilmembers unanimously enacted the Ordinance to address concerns of gun violence affecting Saint Paul residents.¹ While it remains contingent on further action by the State legislature before becoming enforceable, the City passed the

¹ <https://stpaul.legistar.com/LegislationDetail.asp>

Ordinance out of concern for how gun violence impacts the city's residents. Although the Ordinance remains dormant and may cause some confusion, any injunction on legislation thwarts the will of the people as exercised through their elected representatives' actions. The public policy favoring the City Council's ability to govern in a manner which they believe best promotes the public health of its residents weighs heavily against an injunction.

Administrative Burdens

The injunction sought – prohibiting the City from publishing, codifying, and implementing the Ordinance – requires no ongoing supervision or complex enforcement mechanism from the Court. Therefore, this Court concludes that the administrative burden of enforcing the proposed injunction is a neutral factor in this case and neither favors nor disfavors the injunction.

Conclusion

After considering and weighing all the factors, this Court concludes that the greater weight favors denying Plaintiff's motion for temporary injunction.

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