SUPREME COURT OF THE UNITED STATES

No. ___ (25-6365)

Timothy Robert Provo,
Petitioner,

v.

Geoffrey W. Tenney, et al.,
Respondents.

NOTICE OF SUPPLEMENTAL AUTHORITY

Filed Pursuant to Supreme Court Rule 15.8

Petitioner respectfully submits this Notice of Supplemental Authority to advise the Court of a newly issued federal district court order dated **December 4, 2025**, which post-dates the petition for writ of certiorari and bears directly on the Questions Presented.

These developments have created an ongoing and escalating risk of irreparable harm.

Attachment A contains the order.

I. NEW FEDERAL ORDER ISSUED AFTER PETITION

On December 4, 2025, the United States District Court for the District of Minnesota issued an order that:

- **Dismissed the action for lack of jurisdiction, while simultaneously dismissing all federal claims WITH PREJUDICE under 28 U.S.C. § 1915(e)(2)(B),**

- **Declared the in forma pauperis application "moot" despite relying on § 1915(e)(2)(B),**
- **Declared Petitioner's pending ADA accommodation request "moot,"** and
- **Relied on an Eighth Circuit docket entry lacking a judicial signature, the procedural validity of which remains the subject of pending motions and verification requests.**

Additionally, the December 4 order repeats several omissions and legal contradictions that appeared in prior federal proceedings involving the same parties. Most notably, the Court again failed to address *State v. Finch*, 865 N.W.2d 696 (Minn. 2015), despite Petitioner raising it repeatedly as controlling authority governing judicial disqualification, jurisdictional divestiture, and post-recusal invalidity. The Court also again extended judicial immunity to acts that are not judicial in nature — including post-recusal conduct, ADA-related administrative failures, and docket interference — without acknowledging the statutory and constitutional limits on immunity.

The order did not reference or resolve Petitioner's outstanding ADA submissions, jurisdictional objections, or multiple pending motions.

The order also issued without the customary Report and Recommendation procedure that ordinarily precedes disposition of pro se civil-rights matters in the District of Minnesota.

These features make the December 4 order "pertinent and significant" within the meaning of Rule 15.8.

II. RELEVANCE TO THE QUESTIONS PRESENTED

A. Issues Relating to ADA Procedures (Questions 1–2)

The December 4 order describes the ADA request as "moot" although:

- the request was pending,
- no ADA Coordinator had been identified as required by **28 C.F.R. § 35.107**,

- no interactive process appears to have been conducted under **28 C.F.R. § 35.130(b)(7)**, and
- no written ADA determination appears in the record.

Petitioner's filings seeking clarification of ADA procedures and filing access were not addressed in the order. These circumstances directly relate to the Questions Presented concerning ADA compliance and meaningful access to federal courts.

B. Issues Relating to Jurisdiction and Procedural Regularity (Questions 3–4)

The December 4 order:

- dismissed the state-law claims 'without prejudice for lack of jurisdiction,' while simultaneously dismissing all federal claims 'WITH PREJUDICE under 28 U.S.C. § 1915(e)(2)(B),
- does not cite statutory or procedural authority explaining that combination,
- does not address pending jurisdictional objections, and
- incorporates the prior Provo I dismissal, which itself rests on an Eighth Circuit 'affirmance' that contains no judicial signature and does not constitute a judgment under Fed. R. App. P. 36(a).

Petitioner had previously requested verification of judicial authorization for that appellate entry under **Fed. R. App. P. 36**, and that verification request remained pending.

The December 4 order also incorporates the prior dismissal in *Provo v. Tenney* ("Provo I"), stating that "this lawsuit is dismissed for the same reasons" and that the Provo I analysis "applies equally" here. Yet Provo I's affirmance by the Eighth Circuit was entered through a staff-signed docket notation that contains no judicial signature and does not constitute a judgment under Fed. R. App. P. 36(a). As an Article III judge, Blackwell was required to recognize that such an entry is not a lawful mandate and cannot carry preclusive effect. His reliance on it materially reinforces the petition's concerns regarding procedural breakdown and the substitution of administrative entries for judicial action.

These features relate directly to the petition's Questions Presented concerning jurisdictional consistency, procedural regularity, and the use of unsigned appellate entries as dispositive authority.

C. Issues Relating to Access to Courts

The December 4 order did not resolve multiple motions filed before dismissal, including filings concerning:

- ADA procedures,
- access to CM/ECF,
- docket irregularities, and
- outstanding Rule 15(d) submissions.

Petitioner's ability to access or participate in the district-court process remained limited at the time of dismissal. This directly relates to the petition's discussion of access-to-courts issues.

D. Continuing Relevance After the Petition

Because the order post-dates the petition:

- the controversy remains active,
- the conditions described in the petition continue, and
- the issues presented remain live and recurring.

This satisfies the requirement under Rule 15.8 that the supplemental authority be both pertinent and significant.

E. Reliance on an Unsigned Eighth Circuit Docket Entry

The district court's order expressly relies on an appellate docket entry:

- that contains no judicial signature,

- that Petitioner was informed by the Clerk's Office did not have an associated judge-signed order on the date shown, and
- that remains the subject of pending verification motions.

This information relates specifically to the petition's questions concerning the procedural status of unsigned appellate entries and the distinction between administrative and judicial actions.

F. Additional Post-Petition Developments Relevant to Access and Procedure

After the December 4 dismissal, Petitioner's in forma pauperis application was also **treated as "moot" along with other pending filings**, while his ADA accommodation request remained unresolved.

These developments are presented solely to assist the Court in understanding the present procedural context and the continued relevance of the Questions Presented.

G. Newly Documented Failure of Oversight and Unacknowledged ADA-Protected Filings

Petitioner also submits newly documented evidence showing that **no judicial or administrative oversight mechanisms were functioning within the District of Minnesota** at the time of the dismissal. On **October 24, 2025**, Petitioner transmitted an **ADA-protected demand for written docket confirmation**, requesting:

- written acknowledgment of the docket number,
- identification of assigned judges,
- a PDF copy of the docket sheet,
- and ADA-compliant access to filings.

This filing was transmitted as an **ADA-modified communication** under 28 C.F.R. §§ 35.107 and 35.160 and was delivered to the Clerk's Office the same day. Delivery is confirmed by the fax transmission log.

Despite confirmed receipt, the District Court:

- did **not docket** the ADA filing,
- did **not acknowledge** it,
- did **not route it** to any ADA Coordinator,
- and did **not respond** in any form.

This unprocessed ADA filing included a **recusal-related request and jurisdictional challenge**, which remained pending and unaddressed when the December dismissal was issued.

The absence of any response, acknowledgment, or administrative processing demonstrates **a complete lack of functional ADA compliance or supervisory review** within the District of Minnesota. The failure to route or act upon an ADA-protected submission, despite confirmed receipt, further illustrates the structural breakdown already documented in the petition.

This oversight failure is compounded by the fact that:

1. **No ADA Coordinator has ever been identified by the District of Minnesota**;
2. **No interactive process has ever been initiated**, despite repeated ADA notices;
3. **No grievance or compliance review occurred**, as required by 28 C.F.R. § 35.107(b); and
4. The District Court dismissed the case while **multiple ADA-protected filings were outstanding and unprocessed.**

In this context, the December 4 dismissal—issued without addressing the pending ADA filing, recusal demand, or unresolved jurisdictional questions—occurred **in an environment where no effective internal or appellate oversight existed**. This further underscores the necessity of this Court's intervention.

III. Pattern of Legal Impossibilities and Procedural Outcomes That Cannot Occur in a Functioning Judicial System

The December 4 order does not merely reflect error; it reflects a **pattern of procedural and legal outcomes that are impossible** under the normal

operation of Article III, federal statutes, and the governing rules of civil and appellate procedure. These outcomes did not occur in isolation—they recurred across multiple tribunals, state and federal, in a consistent pattern indicating the absence of functioning oversight and the substitution of administrative or clerical actions for judicial adjudication.

The legal impossibilities include, but are not limited to, the following:

1. Dismissal "with prejudice" while simultaneously invoking lack of jurisdiction over the state-law claims

A dismissal **with prejudice** constitutes a judgment on the merits.
A court **cannot** enter a judgment on the merits without subject-matter jurisdiction.
This contradicts Article III limits and Fed. R. Civ. P. 12(h)(3) and 41(b).
This combination cannot occur under established federal jurisdictional doctrine.

2. Declaring a pending ADA request "moot" while it remained unresolved

Petitioner's ADA accommodation request was:

- pending,
- unprocessed,
- unacknowledged,
- not routed to an ADA Coordinator,
- and not reviewed under 28 C.F.R. §§ 35.107, 35.130, or 35.160.

A court cannot extinguish an unprocessed statutory duty through mootness.
Ongoing ADA harm is also "capable of repetition, yet evading review," which defeats mootness doctrine.
This use of mootness is legally impossible.

3. Declaring the in forma pauperis (IFP) application "moot" while entering a dismissal with prejudice

The court simultaneously:

- declared the IFP application "moot,"
- asserted it lacked jurisdiction, and
- dismissed several claims **with prejudice**.

This combination is legally impossible under 28 U.S.C. § 1915 and Article III:

1. Section 1915 requires a court to **grant or deny** an IFP application; it cannot extinguish the application through mootness while issuing a dispositive judgment.
2. A dismissal **with prejudice** is a merits determination and therefore requires subject-matter jurisdiction.
3. If the court possessed jurisdiction to dismiss with prejudice, it necessarily had jurisdiction to adjudicate the IFP application.
4. If the court lacked jurisdiction, it could not dismiss with prejudice, nor could it declare the IFP application moot.

The treatment of the IFP application therefore reflects a procedural outcome that cannot occur under the ordinary operation of federal law.

4. Reliance on the prior Provo I dismissal, which itself rests on an unsigned Eighth Circuit docket entry

The dismissal expressly relied on an Eighth Circuit docket entry that:

- contains no judicial signature,
- is not a judgment under Fed. R. App. P. 36(a),
- was not authenticated by any judge, and
- was confirmed by the Clerk's Office to have no judicial order on the date shown.

A district court cannot rely on a non-judicial administrative entry as binding appellate precedent.
This is a structural impossibility under Article III.

5. Bypassing mandatory magistrate screening in a pro se civil-rights case

The District of Minnesota uniformly refers pro se civil-rights cases to a magistrate judge for screening and a Report and Recommendation.
The December 4 order bypassed this entirely, without explanation.
This deviation is unprecedented and incompatible with district practice.

6. Failure to address pending jurisdictional objections and recusal filings

Before dismissal, Petitioner submitted:

- an ADA-protected fax requesting docket confirmation,
- a jurisdictional and recusal objection under 28 U.S.C. § 455,
- a challenge to the unsigned appellate entry, and
- multiple Rule 15(d) supplements.

None were docketed, acknowledged, or adjudicated.
A court cannot issue a dispositive order while ignoring properly submitted jurisdictional and recusal motions.
This is incompatible with federal procedure.

7. Issuing adverse action while ADA requests remained outstanding

Federal ADA regulations prohibit adverse action affecting participation **before** accommodation requests are processed.
The case was dismissed while the ADA requests were:

- pending,
- unresolved,
- unanswered, and

- continuing to impair Petitioner's ability to participate.

This is a legal impossibility under the ADA and access-to-courts doctrine.

8. Failure to docket or act upon ADA-protected filings despite confirmed receipt

Petitioner's October 24, 2025 ADA-protected fax transmission was confirmed delivered.
It was not docketed, acknowledged, or processed.
Under Fed. R. Civ. P. 5(d)(2)(B) and 79(a), federal courts **cannot** disregard filings received by the Clerk.

Issuing a dispositive order while ignoring a confirmed filing is incompatible with federal procedure.

9. Treating unresolved statutory and constitutional issues as "moot" across multiple filings

The court used mootness to bypass adjudication of:

- ADA rights,
- access-to-courts issues,
- jurisdictional challenges,
- procedural irregularities, and
- protective motions.

Mootness doctrine cannot substitute for statutory compliance or eliminate obligations still in effect.
This pattern of broad mootness application is itself evidence of systemic breakdown.

10. Rendering final judgment while live federal questions remained pending

The December 4 order terminated the case despite active:

- constitutional questions,
- ADA violations,
- jurisdictional defects, and
- recusal challenges.

Federal courts cannot foreclose federal review where live federal questions remain. This is constitutionally impossible.

11. Uniform refusal across tribunals to exercise jurisdiction over stay or protective filings

Across state courts, the District of Minnesota, and the Eighth Circuit, Petitioner submitted numerous stay requests and protective filings.
No tribunal ruled on them.
Courts later stated "no stay is in effect," even though the absence of a stay resulted from **the absence of judicial action**, not from lack of filing.

A system in which no court exercises jurisdiction to decide protective requests is incompatible with ordinary judicial functioning.

12. The Order Uses §1915(e)(2)(B) Screening While Simultaneously Mooting the Required IFP Application

The Court invoked §1915(e)(2)(B) to dismiss all federal claims "WITH PREJUDICE," yet simultaneously declared the in forma pauperis application "DENIED AS MOOT." Because §1915(e)(2)(B) screening authority exists *only where an IFP application is adjudicated*, using it while mooting the IFP motion is legally impossible. The Court effectively reached a merits determination without accepting jurisdiction long enough to perform the required review.

13. The Order Provides No Independent Rule 8 or Rule 12 Analysis of the New Complaint

A dismissal **WITH PREJUDICE** requires either a Rule 8 sufficiency analysis or a Rule 12(b)(1)/(b)(6) analysis.
Issuing a merits-based dismissal without any applicable legal test is a procedural impossibility.

Yet the December 4 order incorporates the prior Provo I analysis wholesale instead of conducting any new Rule 8 or Rule 12 analysis of the October 2025 complaint, the newly named federal defendants, or the post–Provo I ADA and jurisdictional defects. A merits dismissal "WITH PREJUDICE" requires a contemporaneous analysis of the operative complaint, not a summary incorporation of prior reasoning from a different case.

14. The Order Dismisses All Federal Claims "With Prejudice" Without Distinguishing Among Statutory and Constitutional Theories

The Court states that "each of Provo's claims arising under federal law are dismissed with prejudice," without distinguishing among ADA claims, §1983 claims, Rehabilitation Act claims, injunctive theories, or damages claims. This blanket disposition provides no basis for determining the scope of preclusion under *Semtek*, and deprives Petitioner of due process because different federal claims carry different standards, defenses, and jurisdictional considerations.

15. The Order Dismisses Claims That Were Never Challenged by Any Defendant

Blackwell dismissed **every claim** even though:

- no defendant moved to dismiss,
- no Rule 12 motion exists,
- no defendant even appeared.

A district court **may not sua sponte dismiss a civil-rights complaint without notice or opportunity to respond**, unless the dismissal is under 28 U.S.C. § 1915(e)(2) — which requires an adjudication of the IFP application.
He avoided § 1915(e)(2) by mooting IFP.

Thus, he dismissed sua sponte **without the statutory authority that makes sua sponte dismissal legal.**

Another legal impossibility.

16. The Order Provides No Legal Reasoning for Its ADA, Jurisdictional, or Procedural Determinations

Although the order cites several cases relating to judicial immunity and incorporates the prior *Provo I* analysis, it provides **no legal reasoning whatsoever** for dismissing the ADA motion as "moot," for mooting the IFP application, for overriding jurisdictional divestiture under *State v. Finch*, or for relying on an appellate docket notation that is not a judgment under FRAP 36(a). The absence of analysis on these dispositive issues makes meaningful appellate review impossible and violates basic due-process requirements.

17. The Order Terminates the Case Without Entering a Separate Judgment

Fed. R. Civ. P. 58 requires a **separate judgment** document when a case is dismissed.

The docket shows:

- **no separate judgment,**
- **no Rule 58(a) entry,**
- **no final judgment signature,**
- **no entering of judgment by the clerk.**

This means the dismissal is **procedurally incomplete**, and under Rule 58, not even legally "final."

This is another structural impossibility.

18. The Order Considers Case "Final" Even While Motions Remain Pending

Under Fed. R. Civ. P. 54(b):

- outstanding motions prevent an order from being final unless explicitly resolved.

Blackwell left:

- ADA request pending,
- TRO pending,
- Rule 15(d) filings pending,
- recusal objection pending,
- jurisdiction challenge pending,
- filing-access motions pending.

Yet declared the case fully dismissed.

That **cannot** occur legally.

19. The Order Adopts Factual Assertions That Appear Nowhere In the Record

There are statements in the order describing:

- the procedural history,
- the nature of the filings,
- and the status of appeals

that do **not match** the docket, nor the filings before the Court.

When a dispositive order contains factual conclusions not grounded in the record, that is a due-process violation and another procedural impossibility.

20. Failure to acknowledge or apply controlling jurisdictional authority (*State v. Finch*).

Petitioner repeatedly cited *State v. Finch*, which holds that a judge loses jurisdiction immediately upon the filing of a recusal motion. The December 4 order — like the earlier July 2025 order — does not mention *Finch* once. The repeated omission of controlling authority governing judicial disqualification and jurisdictional divestiture is incompatible with the basic requirements of judicial decision-making and indicates a systemic refusal to engage with the governing law.

21. Application of judicial immunity to acts that are not judicial in nature.

The Court again applied judicial immunity to conduct that is categorically non-judicial, including post-recusal actions, ADA suppression, filing obstruction, and administrative interference. Judicial immunity applies only to judicial acts within jurisdiction; extending it to administrative, retaliatory, or post-recusal conduct is legally impossible and renders the analysis structurally defective.

22. Reliance on a staff-entered appellate docket notation in place of a judicial judgment.

By incorporating the prior Provo I dismissal — which itself rests on an unsigned staff entry rather than a judicial judgment under Fed. R. App. P. 36(a) — the District Court relied on a document that carries no legal effect. A district court cannot adopt or enforce an appellate "affirmance" that lacks a judge's signature, lacks a mandate, and is not a judgment within the meaning of FRAP 36. This reliance is legally incompatible with Article III.

Summary

Taken together, these impossibilities form a consistent, cross-jurisdictional pattern that is not explainable as ordinary error. They indicate:

- non-functioning ADA structures,
- non-functioning oversight mechanisms,

- non-functioning docketing processes,
- non-functioning appellate safeguards, and
- the substitution of administrative or clerical action for judicial adjudication.

This pattern directly reinforces the Questions Presented and confirms the necessity of this Court's intervention.

No functioning judicial system can produce these outcomes, and no ordinary appellate process is capable of correcting them.

IV. SIGNIFICANCE UNDER SUPREME COURT RULE 15.8

The December 4 order is:

- **Pertinent:** It concerns ADA access, jurisdiction, procedural regularity, §1915(e)(2)(B) screening authority, and access-to-court issues raised in the petition, **including the continued failure to docket ADA-protected filings and provide Petitioner meaningful access to the court.**
- **Significant:** It provides new, post-petition evidence—including the use of §1915(e)(2)(B) while simultaneously declaring the IFP application "moot"—that directly bears on the structural and constitutional defects identified in the Questions Presented.
- **Material:** It confirms that the Questions Presented remain active, that the lower courts continue to deny Petitioner any functioning judicial forum, and that the circumstances described in the petition persist and are worsening.

Petitioner therefore submits this Notice to ensure that the Court has a complete and updated record of post-petition developments.

V. CONCLUSION

The December 4 order does more than supply post-petition authority relevant to the Questions Presented. It confirms a pattern of procedural outcomes that cannot occur in a functioning judicial system, including:

• adjudicating merits issues "with prejudice" while simultaneously asserting lack of jurisdiction;
• invoking § 1915(e)(2)(B) to dismiss federal claims while declaring the IFP application "moot";
• declaring unresolved ADA requests "moot" without initiating the required statutory procedures;
• relying on an unsigned Eighth Circuit docket notation that does not constitute a judgment under Fed. R. App. P. 36(a);
• issuing dispositive rulings while recusal challenges, ADA filings, Rule 15(d) supplements, and docket-access motions remained pending and unaddressed; and
• failing to enter a separate judgment as required by Fed. R. Civ. P. 58.

These developments, occurring after the petition was filed, demonstrate that the procedural and statutory defects identified in the Questions Presented are not isolated or historical. They are ongoing, structural, and incapable of correction through ordinary lower-court review, given the absence of functioning ADA processes, the lack of supervisory oversight, and the reliance on non-judicial materials as dispositive authority.

The December 4 order also reflects repeated disregard of controlling law, including the complete omission of State v. Finch for a second time, despite Petitioner's extensive briefing on its jurisdictional requirements. It extends judicial immunity to non-judicial acts, adopts prior defective rulings as though they were valid judgments, and relies in part on an appellate entry that is not a judicial decision. These features confirm a systemic pattern of outcomes incompatible with the basic operation of Article III courts.

For these reasons, the December 4 order is pertinent, significant, and material under Rule 15.8. It reinforces the need for this Court's review to restore compliance with:

• Title II of the ADA,
• constitutional access-to-courts guarantees,
• Article III requirements for judicial action, and
• basic jurisdictional and procedural norms.

These post-petition developments leave Petitioner with no functioning judicial forum and no avenue for relief in the lower courts. The procedural defects, ADA violations, and jurisdictional contradictions described herein are ongoing and continue to inflict irreparable harm. Supreme Court review is therefore urgently

necessary to prevent further injury and to ensure that Petitioner has access to a lawful and functioning judicial process pending disposition of the petition.

Petitioner respectfully submits this supplemental information so the Court may consider the full, post-petition context in evaluating the petition for certiorari.

VI. ATTACHMENT

Attachment A: Order of the United States District Court for the District of Minnesota, dated December 4, 2025.

Respectfully submitted,

Timothy Robert Provo
Petitioner, pro se
1567 Plum Creek Drive SE
Cambridge, MN 55008
Email: timprovo81@gmail.com
(320) 333-7478

Date: December 6, 2025

MIME-Version:1.0 To:mndecfnotifications@mnd.uscourts.gov Message-Id:<10029012@mnd.uscourts.gov> Subject:Activity in Case 0:25-cv-04090-JWB-JFD Provo v. Wright County, Minnesota et al Order on Motion for Miscellaneous Relief Content-Type: text/html

A

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

U.S. District of Minnesota

Notice of Electronic Filing

The following transaction was entered on 12/4/2025 at 8:08 AM CST and filed on 12/4/2025

Case Name: Provo v. Wright County, Minnesota et al

Case Number: 0:25-cv-04090-JWB-JFD

Filer:

Document Number: 6

Docket Text:

ORDER. IT IS HEREBY ORDERED that:

1. Plaintiff Timothy Robert Provo's federal law claims are DISMISSED WITH PREJUDICE under 28 U.S.C. § 1915(e)(2)(B);

2. Plaintiff's state law claims are DISMISSED WITHOUT PREJUDICE for lack of jurisdiction;

3. Plaintiff's application to proceed in forma pauperis (Doc. No. 5) is DENIED AS MOOT;

4. Plaintiff's motion for a temporary restraining order (Doc. No. 4) is DENIED AS MOOT; and

5. Plaintiff's motion for ADA accommodations and designation of ADA coordinator (Doc. No. 3) is DENIED AS MOOT.

Signed by Judge Jerry W. Blackwell on 12/4/2025. (DMD)

0:25-cv-04090-JWB-JFD Notice has been electronically mailed to:

0:25-cv-04090-JWB-JFD Notice has been delivered by other means to:

Timothy Robert Provo
1567 Plum Creek Dr SE
Cambridge, MN 55008

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1051215216 [Date=12/4/2025] [FileNumber=10029010-0] [65c84da331f5ff21e0afefb933bba07ef18bf55640bca4c3a73f476be224ccf39c04e1e096964669fa3b1eaa58215ad739877fed910da8448a98ef2e02658b47]]

Plaintiff Timothy Robert Provo filed this lawsuit without an attorney against numerous Defendants including state court judges, Wright County court staff, and private individuals. (*See* Doc. No. 1.) He alleges a "continuous chain" of discrimination during his divorce and child custody proceedings based on his traumatic brain injury. (*Id.* at 5.) Provo also moves for accommodations under the Americans with Disabilities Act ("ADA") (Doc. No. 3), a temporary restraining order to prevent enforcement of certain state court orders (Doc. No. 4), and to proceed *in forma pauperis* (Doc. No. 5).

Provo has already sought relief in federal court for claims arising out of his divorce and child custody proceedings once before. This lawsuit is dismissed for the same reasons that Provo's prior claims were dismissed, and any pending motions are denied.

BACKGROUND

In May of this year, Provo filed a lawsuit against ten defendants, including state court judges and staff, and his ex-wife, her partner, and her attorney. *Provo v. Tenney*, Civ. No. 25-2105 (JWB/SGE) (hereinafter "*Provo I*"), Doc. No. 1 (D. Minn. May 14, 2025). By the time that this Court considered Provo's application to proceed *in forma pauperis*, the operative pleading was the Fifth Amended Complaint. *See Provo I*, Doc. No. 16.

In that pleading, Provo alleged that judges and court staff treated him unfairly in his ongoing divorce and custody proceedings in Wright County, Minnesota. *Id.* at 1–2. He requested monetary damages, injunctive relief, and what he called "General Equitable Relief." *Id.* at 39–40.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Timothy Robert Provo,

Plaintiff,

v.

Wright County, Minnesota; Minnesota Department of Human Services (DHS), (*official-capacity defendant via Commissioner)*; Monica Tschumper, *Wright County Court Administrator & ADA Coordinator (individual and official capacities)*; Jami Gudrum, *DHS Child Support Director (individual and official capacities)*; Georgina Turner, *DHS Support Officer (individual and official capacities)*; Kirsten Simonds, *Wright County Magistrate Judge (official capacity only for prospective declaratory relief)*; Elizabeth Strand, *Chief Judge, Tenth Judicial District (official capacity only for prospective declaratory relief)*; Geoffrey W. Tenney, *former presiding judge (individual capacity for non-judicial, post-recusal acts only)*; Kendra R. Luke, *private attorney (individual capacity under 1983 for joint action w/state actors)*; John/Jane Doe Clerks 1-5, *Wright County clerk personnel (individual capacities)*; Emily Provo, *private party and co-parent, sued in her individual capacity for joint action and retaliation under 1983*; Chad Michael Wiebe, *private individual, sued in his individual capacity for joint action and retaliation under 1983*,

Defendants.

Civ. No. 25-4090 (JWB/JFD)

ORDER

After a preliminary review consistent with 28 U.S.C. § 1915(e)(2)(B), Provo's pleading was summarily dismissed without prejudice on multiple grounds: failure to state a claim on which relief may be granted, judicial immunity, and preclusion under the *Rooker-Feldman* doctrine. *Provo I*, Doc. No. 28 at 2, 7–8. On appeal, the United States Court of Appeals for the Eighth Circuit affirmed the dismissal. *See Provo I*, Doc. No. 43.

ANALYSIS

Less than a month after the Eighth Circuit upheld the dismissal of *Provo I*, Provo returned to federal court to file essentially the same lawsuit. Provo again alleges that Defendants—those named in *Provo I*, along with Wright County, Minnesota; Minnesota Department of Human Services; and John/Jane Doe Clerks 1-5—conspired to deny him reasonable accommodations in violation of the ADA, the Rehabilitation Act, and the Fourteenth Amendment. (Doc. No. 1 at 3–4, 14–16.) The present action, like the first, is subject to review under § 1915(e)(2)(B). And, as in *Provo I*, this action is subject to dismissal for the same reasons.

First, Defendants Monica Tschumper, various John and Jane Doe court employees, Judge Geoffrey W. Tenney, Judge Kirsten Simonds, and Chief Judge Elizabeth Strand are each entitled to judicial or quasi-judicial immunity for the claims asserted against them. *See, e.g.*, *Hamilton v. City of Hayti*, 948 F.3d 921, 928 (8th Cir. 2020). And claims against the Department of Human Services, a subunit of the State of Minnesota, are barred by sovereign immunity under the Eleventh Amendment. *Murphy v. State of Ark.*, 127 F.3d 750, 754 (8th Cir. 1997).

For the remaining Defendants, the pleading fails to state a claim on which relief may be granted for the same reasons provided in *Provo I*. That analysis is incorporated here by reference. *See Provo I*, Doc. No. 28 at 5–8.

Briefly, Provo's § 1983, ADA, and Rehabilitation Act claims cannot proceed against Defendants Emily Provo, Luke, Engen, or Wiebe because they are not state actors, public entities, or programs receiving federal financial assistance. *See id.* at 5–6. The same claims against Wright County, county officials, and state officials in their individual capacities also fail for failure to link any incident to an act of disability-based discrimination. *See id.* at 6–7. And Provo's claims of conspiracy among Defendants are insufficiently supported by factual allegations that, if proven true, would establish a meeting of the minds between those Defendants. *Id.* at 5–6; *see also, e.g.*, *Murray v. Lene*, 595 F.3d 868, 870 (8th Cir. 2010).

In sum, the analysis in the *Provo I* dismissal order applies equally to the matter now under review. This lawsuit, like *Provo I*, is dismissed under § 1915(e)(2)(B). And because Provo has now attempted to adequately allege his claims nine times across the various pleadings, amended complaints, and "supplemental pleadings" in *Provo I* and this Complaint, each of Provo's claims arising under federal law are dismissed *with* prejudice. *See Knowles v. TD Ameritrade Holding Corp.*, 2 F.4th 751, 758 (8th Cir. 2021).

Supplemental jurisdiction will not be extended over Provo's state-law claims. But because the dismissal of those claims is on jurisdictional grounds, those claims are again dismissed without prejudice.

Provo's motion for accommodations under the ADA (Doc. No. 3), application to proceed *in forma pauperis* (Doc. No. 5) and motion for a temporary restraining order (Doc. No. 4) are denied as moot given the dismissal of this matter.

ORDER

Based on the foregoing, and all the files, records, and proceedings in this case, **IT IS HEREBY ORDERED** that:

1. Plaintiff Timothy Robert Provo's federal law claims are **DISMISSED WITH PREJUDICE** under 28 U.S.C. § 1915(e)(2)(B);

2. Plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction;

3. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 5) is **DENIED AS MOOT**;

4. Plaintiff's motion for a temporary restraining order (Doc. No. 4) is **DENIED AS MOOT**; and

5. Plaintiff's motion for ADA accommodations and designation of ADA coordinator (Doc. No. 3) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: December 4, 2025

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge

To the Clerk of the Supreme Court of the United States:

December 22, 2025

Please accept the enclosed filing submitted by Petitioner, Timothy Robert Provo, as a **separate filing pursuant to Supreme Court Rule 15.8** in Case No. 25-6365.

This submission consists of a **Notice of Supplemental Authority** and its supporting materials. It is being re-submitted on its own and **should be docketed independently from any Rule 23 application or other filings.**

This re-filing is intended solely to correct the prior packaging of these materials in accordance with the Clerk's guidance. **No new substantive material has been added; the contents are identical in substance to what was previously tendered, now properly separated.**

Respectfully submitted,

/s/ Timothy Robert Provo
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