Filed in District Court
State of Minnesota
10/22/2026

STATE OF MINNESOTA

COUNTY OF FREEBORN

DISTRICT COURT
CIVIL DIVISION
THIRD JUDICIAL DISTRICT

Jeremy Corey-Gruenes, Daphne Hamborg, Leslie Kaup, and Jim Margadant,

Plaintiffs,

and

The County of Freeborn, Freeborn County Sheriff's Office, and Ryan Shea

Defendants.

Court File No. 24-CV-25-2086

ORDER GRANTING MOTION TO DISMISS

The above-captioned matter came before the Honorable Debra A. Groehler, Judge of District Court, on August 5, 2026, pursuant to Defendants' Motion to Dismiss dated June 23, 2026.

Appearances: Peter Hennigan, Esq., and Anna Petosky, Esq., Maslon LLP, 225 South Sixth Street, Suite 2900, Minneapolis, MN; and Teresa Nelson, Esq., and Alicia Granse, Esq., with ACLU-MN, appeared on behalf of Plaintiffs. Paul J. Bosman, Esq., Assistant Freeborn County Attorney, appeared on behalf of Defendants. Mia Weinland, intern with Mason LLP, also appeared. Brian Hu was also present. All parties were present via Zoom.

Based upon all of the files and records herein, and the arguments of counsel,

IT IS ORDERED:

1. Defendants' Motion to Dismiss is **GRANTED.** Plaintiffs' Complaint is dismissed without prejudice.

2. The attached Memorandum is incorporated herein.

BY THE COURT:

Groehler, Debra
2026.10.22
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Debra A. Groehler
Judge of District Court

MEMORANDUM

Procedural History

On December 19, 2025, Plaintiffs filed a Complaint for Declaratory and Injunctive Relief. Plaintiffs challenge Freeborn County's participation in a Memorandum of Agreement with U.S. Immigration and Customs Enforcement ("ICE") under section 287(g) of the Immigration and Nationality Act (hereinafter "MOA").

On January 7, 2026, Defendants filed a Motion to Dismiss. On January 20, 2026, Defendants filed a Notice of Removal to the United States District Court for the District of Minnesota.

On May 22, 2026, The Honorable Laura M. Provinzino, United States District Judge, granted Plaintiffs' Motion to Remand the case to the District Court of the State of Minnesota.

On June 12, 2026, the Defendants renewed their Motion to Dismiss with a corresponding memorandum of law. Defendants argue that Plaintiffs' claims are not ripe, that Plaintiffs lack taxpayer standing, and that the federal government is a necessary and indispensable party.

On July 16, 2026, Plaintiffs filed a Memorandum of Law in Opposition to Defendants' Motion to Dismiss. Plaintiffs argue that they have established both standing and ripeness, and that the federal government is not a required party because Plaintiffs are challenging the County's voluntary implementation of the federal program rather than the federal government's authority or the federal program itself.

On July 29, 2026, Defendants filed a Reply Memorandum.

The court held a motion hearing on August 5, 2026, and took this matter under advisement.

Facts

On March 26, 2025, Ryan Shea, Sheriff of Freeborn County ("the Sheriff"), entered into a 287(g) Memorandum of Agreement with ICE. *See Plaintiff's Complaint*, Ex. A. The MOA authorizes Sheriff's Office personnel to serve and execute federal immigration warrants and warrants of removal on detainees in the Freeborn County jail at the time of their release from State custody. *Id.* The MOA requires that Sheriff's Office personnel "successfully complete initial training provided by ICE" and be certified to perform "specified functions of an immigration officer." The Sheriff's Office is responsible for "the salaries and benefits, including any overtime, of all of its personnel being trained or performing duties under [the] MOA and of those personnel performing the regular functions of the participating [Sheriff's Office] personnel while they are receiving training." Additionally, the Sheriff's Office is financially responsible for all administrative supplies and necessary security equipment for carrying out the tasks contemplated by the MOA. *Id.* The MOA contemplates the transfer of individuals to ICE custody within 48 hours and provides that absent an agreement for continued detention, an individual must be released if ICE does not take custody within that time period. *Id.*

On September 19, 2025, Minnesota Attorney General Keith Ellison ("the Attorney General") sent correspondence to the Sheriff stating that the MOA violates Minnesota law. *Id.*, Ex. D. Specifically, the Attorney General advised the Sheriff that the MOA violated Minnesota's Joint Exercise of Powers Act. *See* Minn. Stat. §471.59, subd. 8. Because the Sheriff did not seek a resolution from the Freeborn County Board of Commissioners prior to entering into the MOA with ICE, the Attorney General advised the Sheriff that the MOA was null and void. *Id.* The Attorney General also stated that "the detention of a person pursuant to a civil immigration detainer [ ] violates Minnesota law even if done pursuant to a valid 287(g) agreement and may expose the county or officers to liability." *Id.*

On October 7, 2025, the Sheriff presented a resolution to the Freeborn County Board of Commissioners to ratify the MOA. *Id.* at ¶¶ 37-38. The board ratified the agreement, retroactive to March 26, 2025, through Resolution 25-277. *Id. at ¶¶ 41-42,* Ex. E. The Resolution contains a statement that "the board shall by resolution provide the budget for expenses necessary in the performance of the duties of the sheriff's office, including the reimbursement of the sheriff or a designee for necessary and reasonable expenses incurred in furnishing board, laundry and other services to prisoners in the county jail (M.S. §387.20, subd. 6)."

On December 18, 2025, Plaintiffs Jeremy Corey-Gruenes, Daphne Hamborg, Leslie Kaup, and Jim Margadant filed a Complaint against the County of Freeborn, the Freeborn County Sheriff's Office, and Freeborn County Sheriff Ryan Shea, in his official and personal capacities. Plaintiffs are residents of Freeborn County who own homes and pay property taxes. *Id.*, pp. 3-5. They object to their county tax dollars being used to pay the costs outlined in the MOA. Specifically, Plaintiffs disagree with their property taxes being used to "train and pay jail officers" to make immigration arrests without legal authority. Plaintiffs are also concerned that the County will be held liable if the Sheriff's Office holds detainees for ICE after the detainees are released from State custody. This could result in the County having to pay significant damages to any illegally held detainees. For these reasons, Plaintiffs seek relief under the Declaratory Judgments Act, Minn. Stat. §555.01 et seq., that the actions of the Sheriff and the County Board were ultra vires. They request a temporary and permanent injunction that prevents Defendants "from taking any action, incurring or appropriating any costs, expenses or obligations pursuant to or as a result of the ultra vires 287(g) agreement." *Id.*, p. 16

Analysis

In response to Plaintiffs' Complaint, Defendants moved for dismissal under Minnesota Rule of Civil Procedure 12.02 on two grounds: lack of subject matter jurisdiction and failure to join an indispensable party. When a party brings a Rule 12 motion to dismiss, the court must treat the allegations in the complaint as true and must construe all reasonable inferences in favor of the nonmoving party. *Hebert v. City of Fifty Lakes*, 744 N.W.2d 226, 229 (Minn. 2008) (citing *Bodah v. Lakeville Motor Express, Inc.*, 663 N.W.2d 550, 553 (Minn. 2003)). Dismissal should be denied "if it is possible on any evidence which might be produced, consistent with the pleader's theory, to grant the relief demanded." *Wiegand v. Walser Automotive Groups, Inc.*, 683 N.W.2d 807, 811 (Minn. 2004) (citing *Martens v. Minnesota Min. & Mfg. Co.*, 616 N.W.2d 732, 739-40 (Minn. 2000) (quoting *Northern States Power Co.*, 265 Minn. At 395, 122 N.W.2d at 29)).

1. Subject matter jurisdiction

The court must first determine whether it has jurisdiction over Plaintiffs' claims. *See Clapp v. Sayles-Adams*, 15 N.W.3d 648, 652 (Minn. 2025). "Justiciability is separate and distinct from the merits of the case. Absent a justiciable controversy, courts lack jurisdiction to declare governmental action unconstitutional, by declaratory judgment or otherwise, even if the question involved is one of interest to taxpayers in general." *Id.* (citing *State ex rel. Smith v. Haveland*, 223 Minn. 89, 25 N.W.2d 474, 478 (1946); *In re Sandy Pappas Senate Comm.*, 488 N.W.2d 795, 798 (Minn. 1992)). Here, Defendants argue that the court lacks subject matter jurisdiction over this case because Plaintiffs' claims are not ripe and Plaintiffs lack standing. The court will address the lack of standing argument first, as that is a threshold issue. *Id.* (citing *Garza v. State*, 632 N.W.2d 633, 637 (Minn. 2001)).

A. Standing

"To have standing, a party generally needs to have 'suffered some injury in fact' or be 'the beneficiary of some legislative enactment granting standing.'" *Id.* (citing *State ex rel. Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 493 (Minn. 1996) (citation omitted) (internal quotation marks omitted)). The common law doctrine of taxpayer standing is an exception to this general rule. *Id.* Under this doctrine, "[t]axpayers *without* a direct or personal injury may still have standing to bring an action to restrain the unlawful use of public funds." *Id.* (citing *Minnesota Voters Alliance v. Hunt*, 10 N.W.3d 163, 167 (Minn. 2024) (emphasis added)).

Here, Plaintiffs argue they have taxpayer standing. Each of the four Plaintiffs are homeowners who reside in Freeborn County and pay property taxes. Under the MOA between Defendants and ICE, the County is responsible for the salaries and benefits of County Deputies and personnel who participate in training to fulfill the County's duties under the MOA. The County is also responsible for administrative supplies and the necessary security equipment associated with the MOA. Under the Resolution approved by the Freeborn County Board of Commissioners on October 7, 2025, the Board ratified the MOA between the Freeborn County Sheriff and ICE. The Board agreed to "provide the budget for expenses necessary in the performance of the duties of the sheriff's office." Plaintiffs cite the above expenditures as support for their argument that the central dispute in this case is the disbursement of public funds in connection with the MOA.

Defendants argue that Plaintiffs do not meet the requirements of taxpayer standing under the Minnesota Supreme Court's holding in *Clapp*, *supra*. In that case, plaintiff challenged the constitutionality of provisions in a collective-bargaining agreement between the school district and the teachers' union following a strike. *Clapp,* 15 N.W.3d at 651. Clapp's Complaint alleged that there would be an expenditure of public funds used to implement and monitor compliance with Article 15 of the contract, which Clapp asserted was illegal because it violated the Equal Protection Clause of the Minnesota Constitution. *Id.* at 653. The Minnesota Supreme Court held that Clapp did not have taxpayer standing because the challenged expenditures were "merely incidental to the substantive governmental action" she sought to challenge. The Court affirmed the district court's decision to grant the school district's motion to dismiss, reasoning that the alleged unlawful disbursement of government funds was not the central dispute. *Id.* at 652-53.

Plaintiffs argue that *Clapp* is distinguishable from the present case because "Sheriff Shea and Freeborn County's ultra vires acts will leave them (and other taxpayers) with significant tax liabilities due to the expenses associated with participating in the 287(g) Agreement/MOA and damages claims resulting from unlawful actions taken pursuant to the 287(g) Agreement/MOA." *Plaintiff's Memorandum of Law, p. 19*. The court agrees. In the present case, there is a written contract (the MOA) that specifically assigns financial responsibility to the Sheriff's Office for "the salaries and benefits, including any overtime, of all of its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating LEA personnel while they are receiving training." Plaintiffs' Complaint, Ex. A. The County Board ratified the MOA with ICE and specifically noted their obligation to provide the budget for the Sheriff's Office and reimburse the Sheriff for expenses incurred in operating the county jail. Although Defendants argue that the actual cost to Freeborn County taxpayers will only be about 2.7 cents per person, the court must construe all reasonable inferences in favor of Plaintiffs at this stage of the proceedings. *See Hebert, supra,* 744 N.W.2d at 229. Because Plaintiffs' tax dollars will be used to implement the MOA, Plaintiffs have established they have taxpayer standing.

Plaintiffs also cite *Esparza v. Nobles County*, 2019 WL 4594512, a Minnesota Court of Appeals case, in support of their argument that the County will be ordered to pay damages for unlawfully detaining people in jail pursuant to ICE administrative warrants. *Esparza* involved a lawsuit brought by individuals ("respondents") who were initially detained in the Nobles County jail on state criminal charges. *Id.* at *1. After the respondents were released from state custody, the Nobles County jail continued to hold them in custody pursuant to ICE detainers and warrants. The respondents sued Nobles County, requesting declaratory and other relief on behalf of themselves and others similarly situated. *Id.* at *2. They alleged that "a sheriff is not authorized to arrest or detain an individual after they have been released from State custody based solely on an ICE detainer and warrant." *Id.* Following an evidentiary hearing, the district court granted respondents' request for a temporary injunction and temporarily enjoined Nobles County "from detaining individuals on behalf of ICE without an arrest by an immigration officer or a valid arrest warrant or detainer pursuant to Minnesota law and Fourth Amendment protections." *Id.* Nobles County appealed, and the Court of Appeals affirmed the district court's decision. *Id.* at *10-11. The Court reasoned as follows:

> We conclude that the district court did not clearly abuse its discretion in determining that respondents are likely to prevail on the contested issues that (A) appellants' continued detention of respondents after their release from state custody is a new seizure, and (B) state and federal law do not authorize appellants to seize respondents based on ICE detainers and warrants. Thus, we conclude that the district court did not clearly abuse its discretion in granting a temporary injunction in favor of respondents.

Id. at *10. Following the appellate court's decision in *Esparza*, Nobles County settled the claims against them for $200,000. *See* Plaintiff's Complaint, Ex. B.

Defendants argue that *Esparza* does not support Plaintiffs' taxpayer status argument because any damages that could be ordered as part of a lawsuit by a detainee are purely hypothetical. Additionally, Defendants argue that *Esparza* is not persuasive because the Nobles

County Sheriff's Office had not entered into a 287(g) agreement with ICE.

Because the court has determined that Plaintiffs have taxpayer standing under the express terms of the MOA that assign financial responsibility to Defendants for certain tasks, the court does not believe it is necessary to determine whether future liability and damages for illegal acts also provide a basis for taxpayer standing.

B. Ripeness

Defendants' second argument regarding lack of subject matter jurisdiction pertains to ripeness. "Ripeness is based on the principle that courts will consider only redressable injuries." *Minnesota Democratic-Farmer-Labor Party by Martin v. Simon*, 970 N.W.2d 689, 695 (Minn. Ct. App. 2022) (citing *State ex rel. Sviggum v. Hanson*, 732 N.W.2d 312, 321 (Minn. App. 2007)). For a claim to be ripe, one must establish that a law "is, or is about to be, applied to [their] disadvantage." *Baertsch v. Minnesota Dept. of Revenue*, 518 N.W.2d 21, 25 (Minn. 1994) (citing *St. Paul Area Chamber of Commerce v. Marzitelli*, 258 N.W.2d 585, 587 (Minn. 1997)).

Plaintiffs argue that their claims are ripe under the Minnesota Declaratory Judgments Act and *Esparza v. Nobles County*, 2019 WL 4594512. Under the Minnesota Declaratory Judgments Act, courts have the "power to declare rights, status, and other legal relations whether or not further relief is or could be claimed." Minn. Stat. §555.01. The Act "is designed to resolve the uncertainty over a party's legal rights pertaining to an actual controversy *before* those rights have been violated." *McCaughtry v. City of Red Wing,* 808 N.W.2d 331, 340 (Minn. 2011) (emphasis in original) (citing *Culligan Soft Water Serv. of Inglewood, Inc. v. Culligan Int'l Co.*, 288 N.W.2d 213, 215-16 (Minn. 1979)). A declaratory judgment must present an actual, justiciable controversy. *CVC Investments v. State Farm Fire and Casualty Company*, 38 N.W.3d 755, 767 (Minn. 2026) (citing *McCaughtry*, 808 N.W.2d at 336)). A justiciable controversy exists if the claim "(1) involves definite and concrete assertions of right that emanate from a legal source, (2) involves a genuine conflict in tangible interests between parties with adverse interests, and (3) is capable of specific resolution by judgment rather than presenting hypothetical facts that would form an advisory opinion." *Onvoy, Inc. v. ALLETE, Inc.*, 736 N.W.2d 611, 617-18 (Minn. 2007). *State ex rel. Smith v. Haveland*, 223 Minn. 89, 92, 25 N.W.2d 474, 476-77 (1946); *Seiz v. Citizens Pure Ice Co.*, 207 Minn. 277, 281, 290 N.W. at 804 (1940).

Here, Plaintiffs are asking this court to declare that "the actions of Freeborn Sheriff in signing the MOA, and the actions of the County Board in retroactively approving the MOA, were ultra vires and, therefore, they are prohibited from taking actions pursuant to the MOA." In addition, Plaintiffs request a temporary injunction that prevents Defendants from taking any action under the MOA. In response, Defendants argue that Plaintiffs' claims are not ripe and this court lacks jurisdiction to make such a determination.

Minnesota courts have permitted challenges to governmental action before the plaintiff suffers the ultimate injury where the challenged governmental authority is already being exercised and the potential harm is concrete. *See McCaughtry,* 808 N.W.2d at 338-40; *Baertsch v. Minn. Dep't of Revenue,* 518 N.W.2d 21, 25 (Minn. 1994). In *McCaughtry*, the court addressed whether landlords and tenants whose properties had been subject to repeated applications for administrative warrants could bring a declaratory judgment action challenging

the constitutionality of a rental property inspection ordinance. *Id.* at 333. The ordinance required inspections of rental properties before landlords could obtain operating licenses. In the absence of consent for the inspection, the City could apply for judicial approval of an administrative warrant to authorize the inspection. *Id.* The plaintiffs in *McCaughtry* were nine landlords and two tenants who refused to consent to inspections of their properties and successfully challenged three separate applications for administrative warrants. *Id.* The district court dismissed plaintiffs' declaratory judgment action for lack of standing, and the court of appeals affirmed, concluding that plaintiffs had not alleged an injury that was actual or imminent. *Id.*

The Minnesota Supreme Court granted plaintiffs' petition for review and reversed the court of appeals. The court concluded that plaintiffs had "legally cognizable interests" that were "distinguishable from the general public" due to their status as landlords and tenants against whom the City sought administrative warrants to inspect their properties. *Id.* at 338. While the City argued that plaintiffs' constitutional claims were not justiciable because they had successfully challenged the previous administrative warrant applications, the court reasoned that "the legal interest at stake here is the right to be free from allegedly unconstitutional searches. In this situation, the landlords and tenants do not have to wait until such search is ordered or carried out to establish ripeness." *Id.* at 340.

McCaughtry is distinguishable from this case for several reasons. First, the ordinance at issue in *McCaughtry* had already been applied to plaintiffs. That is not the case here. There is no evidence before the court that indicates the Sheriff has trained members of his staff, as required by the MOA, to carry out the service of ICE warrants under the MOA. "Issues which have no existence other than in the realm of future possibility are purely hypothetical and are not justiciable." *Id.* at 339 (citing *Lee v. Delmont*, 228 Minn. 101, 110-11, 36 N.W.2d 530, 537 (1949); *Haveland*, 223 Minn. at 94, 25 N.W.2d at 478)).

Plaintiffs argue that their claims are ripe because, despite the Attorney General advising the Sheriff that a 287(g) agreement violates Minnesota law, Defendants have not withdrawn from the MOA. Plaintiffs cite *Baertsch v. Minnesota Dept. of Revenue*, 518 N.W.2d 21 (Minn. 1994) in support of their argument. In *Baertsch*, a group of physicians and the medical groups or clinic through which they practiced medicine sought an injunction prohibiting the Dept. of Revenue from enforcing the provisions of the Minnesota Health Right Act ("the Act"). *Id.* at 22-23. Plaintiffs asserted that the Act violated the Due Process and the Commerce Clauses of the United States Constitution because it impermissibly imposed a tax on people or entities that lacked sufficient connections to the State of Minnesota. *Id.* at 23. The district court granted defendant's motion to dismiss, holding that the claim was barred by the anti-injunction statute.[1] *Id.* The Minnesota Supreme Court reversed the district court's dismissal of plaintiffs' claim, reasoning that plaintiffs were not merely attempting to avoid paying a tax; rather, plaintiffs were challenging the constitutionality of the statute itself. *Id.* at 25. The court further held that plaintiffs' claims were ripe because plaintiffs satisfied the factors which triggered the tax, and because the department of revenue, by letter, expressed its intent to enforce the statute against them. *Id.* at 25.

[1] The anti-injunction statute, Minn. Stat. §289A.43 (1992) barred suits "to restrain assessment or collection" of a tax. The statute was repealed in 2005.

Like *McCaughtry*, *Baertsch* is also distinguishable from this case. Here, Plaintiffs are taxpayers who do not want their tax dollars to be used to train and pay Freeborn County employees "to illegally arrest and detain people at ICE's request." *See* Plaintiff's Memorandum at p. 7. Neither the training nor the illegal arrests have taken place at this point. Other than seeking the County Board's approval of the MOA, the Sheriff has not taken any action to implement the terms of the MOA. There is therefore no evidence that the MOA has been, or is about to be, applied to the disadvantage of Plaintiffs. *Id.* at 25 (citing *St. Paul Area Chamber of Commerce v. Marzitelli*, 258 N.W.2d 585, 588 (Minn. 1977)). Further, unlike the plaintiffs in *McCaughtry* and *Baertsch*, the Plaintiffs in this case do not have "legally cognizable interests" that are "distinguishable from the general public." *McCaughtry*, *supra*, 808 N.W.2d at 338.

Plaintiffs also argue that *Esparza* supports their ripeness argument. The court disagrees. *Esparza* involved claims brought by detainees at the Nobles County jail who were illegally held pursuant to ICE detainers after being released from State custody. *See Esparza*, *supra*, 2019 WL 4594512 at *10. Following the Court of Appeals' decision affirming the district court's temporary injunction, Nobles County settled their claims with the illegally detained individuals for $200,000. Plaintiffs argue that "the potential liability to County taxpayers from taking actions pursuant to the 287(g) Agreement/MOA is not hypothetical. Sheriff Shea and the County Board committed ultra vires actions when they entered into the 287(g) Agreement/MOA and, therefore, any actions taken pursuant to the MOA are outside the scope of their legal authority." Plaintiffs' Memorandum at p. 10. While *Esparza* may very well support the merits of Plaintiffs' claims, the issue before the court is whether a justiciable controversy exists. There is no evidence at this time that any individual has been unlawfully held at the Freeborn County jail pursuant to the MOA. Thus, *Esparza* does not support Plaintiffs' argument that their claims are ripe.

For the above reasons, the court finds that Plaintiffs' claims are not ripe. There is simply no evidence that Defendants have applied, or are about to apply, the MOA to the disadvantage of Plaintiffs. Therefore, the court must grant Defendants' motion to dismiss this case for lack of subject matter jurisdiction. To hold otherwise would violate the principles of justiciability, and the court would be issuing an advisory opinion addressing hypothetical harms. *See Scheibel v. Pavlak*, 282 N.W. 2d 843, 848 (Minn. 1979); *Seiz v. Citizens Pure Ice Co.*, 207 Minn. 277, 285, 290 N.W. 802, 806 (Minn. 1940) (holding that the declaratory judgments act was not intended to authorize the courts to give advisory opinions).

2. Failure to join an indispensable party

Because the court is granting Defendants' motion to dismiss due to lack of subject matter jurisdiction, the court is not addressing Defendants' argument that the case should also be dismissed due to failure to join an indispensable party.

CONCLUSION

For the above reasons, Defendants' Motion to Dismiss for lack of subject matter jurisdiction is GRANTED.

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