

## Neutral Case Memo — Minnesota Supreme Court Petition for Review

*Civil permit-to-purchase judicial review (Minn. Stat. § 624.7131)*

As of February 23, 2026

**Case:** Minnesota Supreme Court (petition filed Feb. 20, 2026; case no. pending); Court of Appeals A25-0721 (order opinion filed Jan. 21, 2026, nonprecedential); District Court 77-CV-24-755 (Todd County; order filed Mar. 3, 2025).

**Parties:** Brandon Michael Tamm (Petitioner, pro se) v. Todd County Sheriff Michael Allen (Respondent).

**Nature:** Civil statutory review of a permit-to-purchase denial under Minn. Stat. § 624.7131 (de novo judicial review; burdens of proof keyed to denial grounds). The petition expressly does not seek to vacate, withdraw, modify, or otherwise disturb any criminal conviction or sentence.

**Posture:** After a de novo evidentiary hearing (Oct. 24, 2024), the district court denied relief on two independent civil grounds: (1) statutory firearm ineligibility under Minn. Stat. § 624.713, and (2) dangerousness under Minn. Stat. § 624.7131. The Court of Appeals affirmed solely on a threshold “channeling/collateral-attack” rationale (*Noske v. Friedberg*), directing postconviction as the proper vehicle, and did not reach the civil statutory merits.

**Question presented:** Whether the Court of Appeals may affirm a Minn. Stat. § 624.7131 permit-to-purchase denial without deciding any preserved civil statutory issues, on the ground that the petitioner’s theories constitute an impermissible collateral attack on a criminal conviction—where the relief sought is limited to the civil permitting decision and does not seek conviction relief.

**Relief requested:** Grant review; reverse/vacate the Court of Appeals’ threshold channeling disposition; remand for ordinary merits consideration (with express permission for supplemental briefing on remand), leaving the criminal judgment intact.

**Why it matters:** Minn. Stat. § 624.7131 is a statewide permitting-review scheme, and denials frequently involve criminal-history predicates. If channeling is applied categorically to foreclose merits review whenever a denial references a conviction, the Legislature’s civil de novo review pathway may become illusory for a broad class of applicants. The petition seeks boundary clarification between impermissible conviction-invalidity challenges and permissible civil review of a current permitting decision.

**Amicus timing note:** Amicus participation is governed by Minn. R. Civ. App. P. 129. Under Minn. R. Civ. App. P. 117, subd. 5, an entity seeking leave to participate as amicus “if review is granted” and also include argument on the grant question must file its request not later than 14 days after the petition is filed. Rule 129.01(a) (amended 2025) clarifies that an amicus brief may be filed only by an attorney admitted to practice before the Minnesota appellate courts.

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