

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

**Richard Allen Smuda v. Nancy Johnston, State of Minnesota, and
Minnesota Sex Offender Program**

Smuda · No. 24-cv-3215 (PJS/DLM) · Decided January 27, 2026

SUMMARY

The document is a Report and Recommendation and Order addressing Defendants’ motion to dismiss Richard Allen Smuda’s amended complaint concerning conditions of confinement and medical care at the Minnesota Sex Offender Program. The court recommends dismissing the § 1983 claim and the claims against MSOP, while allowing Title II ADA claims against the State of Minnesota and Nancy Johnston in her official capacity to proceed. The court denies Smuda’s motions for compensatory relief without prejudice and denies his motion for default judgment with prejudice.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Douglas L. Micko
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	January 27, 2026
DOCKET	24-cv-3215 (PJS/DLM)
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on defendants' Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) motion to dismiss, together with orders resolving plaintiff's motions for compensatory relief, to preserve monetary and punitive damages relief, and for default judgment.
STANDARD OF REVIEW	A facial Rule 12(b)(1) challenge is evaluated from the pleadings, accepting well-pleaded factual allegations as true; Rule 12(b)(6) requires dismissal when the complaint fails to state a facially plausible claim, with pro se pleadings construed liberally.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Richard Allen Smuda v. Nancy Johnston, State of Minnesota, Minnesota Sex Offender Program

TOPICS

motions to dismiss

default judgment

section 1983

ada / disability

sovereign immunity

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

constitutional law

sovereign immunity

prisoner and civil-detainee medical care

QUESTIONS PRESENTED

1. Whether the Minnesota Sex Offender Program is a suable legal entity.
2. Whether Eleventh Amendment immunity bars Smuda's Title II ADA claim against the State of Minnesota.
3. Whether Smuda plausibly alleged an ongoing constitutional violation supporting prospective official-capacity relief under 42 U.S.C. § 1983.
4. Whether Smuda plausibly alleged a Title II ADA claim against the State of Minnesota and Nancy Johnston in her official capacity based on the alleged failure to replace his CPAP machine.
5. Whether Smuda was entitled to compensatory-relief orders or default judgment based on the timing of defendants' reply brief.

HOLDINGS

1. The Minnesota Sex Offender Program is not a distinct legal entity capable of being sued and should be dismissed as a defendant.
2. The motion to dismiss the Title II ADA claims against the State of Minnesota and Nancy Johnston in her official capacity should be denied because the alleged conduct, if established, would violate both Title II of the ADA and the Fourteenth Amendment, supporting abrogation of Eleventh Amendment immunity.
3. Smuda did not plausibly allege an ongoing violation of federal law or a need for prospective relief, so the § 1983 conditions-of-confinement claim against Johnston in her official capacity should be dismissed with prejudice.
4. Smuda plausibly alleged a Title II ADA claim against the State of Minnesota and Johnston in her official capacity by alleging that he had a disability, was qualified for CPAP treatment, and was denied that benefit because defendants failed to replace his confiscated CPAP machine.
5. The motions for compensatory relief and to preserve monetary, compensatory, and punitive damages were denied without prejudice because damages had not been properly challenged; the motion for default judgment was denied with prejudice because defendants timely filed their reply and a reply brief is optional.

KEY QUOTATIONS

“When determining whether sovereign immunity bars a Title II ADA claim such as this, courts consider three questions: (1) does the conduct alleged violate Title II of the ADA at all; (2) does the conduct alleged also

violate the Fourteenth Amendment; and (3) if the conduct alleged violates the ADA but not the Fourteenth Amendment, are “the provisions of Title II ‘congruent and proportional’ to the rights that it seeks to enforce.”” (Analysis § I.B)

“Viewing this evidence and set of allegations in Mr. Smuda’s favor, he qualifies as a person with a disability, as he suffers from non-positional obstructive sleep apnea.” (Analysis § I.D)

FACTUAL BACKGROUND

Richard Allen Smuda is civilly committed as a sexually dangerous person and sexual psychopathic personality and is housed at the Minnesota Sex Offender Program. He alleged that MSOP personnel transferred him to a high-security area, searched and pepper-sprayed him, gave him incorrect medication, exposed him to unsanitary conditions, and confiscated his CPAP machine. He alleged that he suffers from severe obstructive sleep apnea, stops breathing frequently during sleep, and needs a CPAP machine, and submitted medical records showing that MSOP knew of that medical need.

PROCEDURAL HISTORY

After preservice screening under 28 U.S.C. § 1915A(b), the district court dismissed all claims and defendants except a prospective-relief § 1983 claim against Nancy Johnston in her official capacity and a Title II ADA claim against the State of Minnesota, Minnesota Sex Offender Program, and Johnston in her official capacity. Defendants moved to dismiss the remaining claims. The magistrate judge recommended granting the motion in part and denying it in part, and ordered that plaintiff’s compensatory-relief motions be denied without prejudice and his motion for default judgment be denied with prejudice.

DISPOSITION

other

CASES CITED

- In re Civ. Commitment of Smuda, No. A21-0610, 2021 WL 5047496, at *1, *4 (Minn. Ct. App. Nov. 1, 2021)
- Titus v. Sullivan, 4 F.3d 590, 593 (8th Cir. 1993)
- Montgomery v. Compass Airlines, LLC, 98 F. Supp. 3d 1012, 1026 (D. Minn. 2015)
- Carlson Holdings, Inc. v. NAFCO Ins. Co., 205 F. Supp. 2d 1069, 1073 (D. Minn. 2001)
- Kern v. Gandhi, 24-cv-348 (KMM/SGE), 2025 WL 1615712, at *3 (D. Minn. June 6, 2025)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Braden v. Wal-Mart Stores, Inc., 588 F.3d 585, 594 (8th Cir. 2009)
- Hager v. Ark. Dep’t of Health, 735 F.3d 1009, 1013 (8th Cir. 2013)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Solomon v. Petray, 795 F.3d 777, 787 (8th Cir. 2015)

- *Stone v. Harry*, 364 F.3d 912, 914-15 (8th Cir. 2004)
- *Stringer v. St. James R-1 Sch. Dist.*, 446 F.3d 799, 802 (8th Cir. 2006)
- *Bediako v. Stein Mart, Inc.*, 354 F.3d 835, 840 (8th Cir. 2004)
- *Sorenson v. Minnesota*, No. 21-cv-671 (NEB/LIB), 2021 WL 6335107, at *3 (D. Minn. Sept. 13, 2021)
- *Brown v. Fifth Jud. Dist. Drug Task Force*, 255 F.3d 475, 477-78 (8th Cir. 2001)
- *Alsbrook v. City of Maumelle*, 184 F.3d 999, 1005, 1011 (8th Cir. 1999)
- *United States v. Georgia*, 546 U.S. 151, 160 (2006)
- *Sinclair v. Culbeaux*, 25-cv-2365, 2025 WL 2898562, at *3 (D. Minn. Oct. 10, 2025)
- *Klinger v. Dep't of Rev.*, 455 F.3d 888, 896 (8th Cir. 2006)
- *Ex parte Young*, 209 U.S. 123 (1908)
- *Smith v. Reynolds*, 139 F.4th 631, 635 (8th Cir. 2025)
- *Verizon Md., Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 645 (2002)
- *Papasan v. Allain*, 478 U.S. 265, 277-78 (1986)
- *EEE Mins., LLC v. N. Dakota*, 81 F.4th 809, 816 (8th Cir. 2023)
- *Wong v. Minnesota Dep't Hum. Servs.*, 820 F.3d 922, 936 (8th Cir. 2016)
- *Dinkins v. Corr. Med. Servs.*, 743 F.3d 633, 635 (8th Cir. 2014)
- *Randolph v. Rodgers*, 253 F.3d 342, 346-48 (8th Cir. 2001)
- *Randolph v. Rodgers*, 170 F.3d 850, 858 (8th Cir. 1999)
- *Folkerts v. City of Waverly, Iowa*, 707 F.3d 975, 983 (8th Cir. 2013)
- *Walton v. Dawson*, 752 F.3d 1109, 1120 (8th Cir. 2014)
- *Walker v. Schult*, 717 F.3d 119, 126 (2d Cir. 2013)
- *Karsjens v. Lourey*, 988 F.3d 1047, 1051 (8th Cir. 2021)
- *Stevens v. Roy*, No. 16-cv-3807 (JRT/LIB), 2017 WL 8944013, at *15 (D. Minn. June 8, 2017)
- *Jolly v. Knudsen*, 205 F.3d 1094, 1096 (8th Cir. 2000)
- *Est. of Rosenberg v. Crandell*, 56 F.3d 35, 37 (8th Cir. 1995)
- *Baez v. Rosemack*, No. 9-cv-2121 (RHK/LIB), 2011 WL 4062586, at *4 (D. Minn. Aug. 9, 2011)
- *Coleman v. Rahija*, 114 F.3d 778, 785 (8th Cir. 1997)
- *Meloy v. Schuetzle*, 230 F.3d 1363 (Table), 2000 WL 1160446, at *1-2 (8th Cir. 2000)
- *Kern v. Gandhi*, 24-cv-348 (KMM/SGE), 2025 WL 1615712, at *6-7 (D. Minn. June 6, 2025)