

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Cherry v. Hennepin County ADC City Hall; Minnesota Health; Hospitality Solution Staffing; Guarda Security; Ramsey County Correctional Facility; Hennepin County Department of Human Resources; Pursuit Hometal; Clear Lake Dental, W. St. Paul MN; Minnesota Programming Volunteers, Department of Human Resources; Sgt. Petrode; Morad; Montean; Sarsfield; and Laura Tiffany

Cherry · No. No. 25-4041 (JWB/EMB); 0:25-cv-04041 · Decided November 26, 2025

SUMMARY

The United States District Court for the District of Minnesota dismissed Aaron Cherry’s action without prejudice under 28 U.S.C. § 1915(e)(2). The court concluded that the complaint improperly joined numerous defendants, failed to comply with Federal Rule of Civil Procedure 8, and did not state plausible claims, and it denied Cherry’s application to proceed in forma pauperis as moot. The court again warned that continued duplicative or inadequately developed filings could result in filing restrictions.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	Jerry W. Blackwell
JURISDICTION	United States District Court for the District of Minnesota
DECIDED	November 26, 2025
DOCKET	No. 25-4041 (JWB/EMB); 0:25-cv-04041
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court screened Plaintiff's in forma pauperis complaint before service under 28 U.S.C. § 1915(e)(2).
STANDARD OF REVIEW	Pre-service screening under 28 U.S.C. § 1915(e)(2), including dismissal of an in forma pauperis action that is frivolous or fails to state a claim; the complaint was also evaluated under Federal Rule of Civil Procedure 8 and the federal joinder rules.

TOPICS

joinder

pleadings

civil procedure

section 1983

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed during in forma pauperis screening under 28 U.S.C. § 1915(e)(2) for failing to state a plausible claim.
2. Whether the complaint's joinder of numerous defendants and claims violated the Federal Rules of Civil Procedure.
3. Whether the complaint satisfied Federal Rule of Civil Procedure 8's requirement of a plain and clear statement of a claim.

HOLDINGS

1. The complaint was subject to dismissal under 28 U.S.C. § 1915(e)(2) because it failed to state plausible claims.
2. The complaint contained the same improper joinder defect identified in Cherry's prior action, compounded by the addition of another defendant.
3. The complaint failed to satisfy Rule 8 because its allegations were not plain and clear and did not state plausible claims.
4. Cherry's application to proceed in forma pauperis was denied as moot.

KEY QUOTATIONS

“This action is therefore dismissed without prejudice under 28 U.S.C. § 1915(e)(2) and Cherry’s application to proceed in forma pauperis is denied as moot.” (Order text)

“They are not plain and clear, and the same Rule 8 problem persists.” (Order text)

“Cherry is warned again that if he continues to file claims that are not reasonably developed in fact and law or that are duplicative of prior case filings, he will likely be placed under filing restrictions in this District.” (Order text)

FACTUAL BACKGROUND

Between July 2019 and July 2025, Aaron Cherry filed at least six unsuccessful lawsuits involving various entities and individuals, many of which were dismissed before service because his allegations were difficult to understand or because he failed to prosecute or provide service information. His present complaint named nearly the same defendants as an earlier action that had been dismissed for improper joinder and indecipherable

allegations, while adding a dental office. The court found that the complaint's factual allegations remained difficult to follow, were not plain and clear, and did not state plausible claims.

PROCEDURAL HISTORY

Aaron Cherry filed this federal civil action against numerous defendants and applied to proceed in forma pauperis. Because the application required pre-service screening, the court reviewed the complaint and concluded that it repeated the joinder and pleading defects identified in Cherry's prior actions. The court dismissed the action without prejudice and denied the in forma pauperis application as moot.

DISPOSITION

dismissed

CASES CITED

- Cherry v. Ramsey Cnty. Corr. Facility, No. 19-CV-1894 (ADM/SER), Order 1 (D. Minn. Sept. 27, 2019)
- Cherry v. Hennepin Cnty. ADC, No. 24-CV-03951 (JMB/TNL), 2025 WL 566324 (D. Minn. Feb. 20, 2025)
- Cherry v. Guarda Sec., No. 25-CV-2146 (PAM/DLM), Order 1–2 (D. Minn. May 20, 2025)
- Cherry v. Hennepin County ADC, No. 25-CV-2145 (NEB/DJF), Order 1–4 (D. Minn. June 3, 2025)
- Cherry v. Pursuit Hometel, No. 25-CV-2147 (JMB/DLM), Order 2 (D. Minn. June 23, 2025)
- Cherry v. Hennepin Cnty. ADC, No. 25-CV-2633 (DWF/EMB), 2025 WL 2182692 (D. Minn. June 30, 2025)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA Aaron Cherry, Civ. No. 25-4041 (JWB/EMB) Plaintiff, v. Hennepin County ADC City Hall; Minnesota Health; Hospitality Solution Staffing; Guarda Security; Ramsey County Correctional Facility; Hennepin ORDER County Department of Human Resources; Pursuit Hometel; Clear Lake Dental, W. St. Paul MN; Minnesota Programming Volunteers, Department of Human Resources; Sgt.

Petrode; Morad; Montean; Sarsfield; and Laura Tiffany, Defendants. Between July 2019 and July 2025, Plaintiff Aaron Cherry filed at least six unsuccessful lawsuits against various entities. In most cases, the judge dismissed the action before service for various reasons, often including that Cherry's allegations were difficult or impossible to understand.¹ 1 See Cherry v. Ramsey Cnty.

Corr. Facility, No. 19-CV-1894 (ADM/SER), Order 1 (D. Minn. Sept. 27, 2019) (adopting recommendation that matter be dismissed for failure to prosecute after Cherry failed to amend complaint); Cherry v. Hennepin Cnty. ADC, No. 24-CV-03951 (JMB/TNL), 2025 WL 566324, at *1 (D. Minn. Feb. 20, 2025) (adopting recommendation that matter be dismissed for failure to prosecute after Cherry failed to provide service information); Cherry v. Guarda Sec., No. 25-CV-2146 (PAM/DLM), Order 1–2 (D.

Minn. May 20, 2025) (dismissing action because court “[did] not understand what Cherry alleges or why he claims that Defendants have violated the law”); *Cherry v. Hennepin County ADC*, No. 25-CV-2145 (NEB/DJF), Order In dismissing Cherry’s most recent action, United States District Judge Donovan W. Frank observed that the complaint in No. 25-CV-2633 appeared to “name[] all the defendants Cherry endeavored to sue in his other lawsuits in this District.” *Cherry*, 2025 WL 2182692, at *1.

Judge Frank explained that Cherry’s effort to combine his prior suits into a single action violated the Federal Rules of Civil Procedure’s joinder provisions and that “Cherry’s claims [were] mostly indecipherable.” *Id.* at *2. Judge Frank therefore dismissed the case and warned Cherry that continued failure to “take care that his claims are reasonably developed in fact and law” could result in filing restrictions.

Id. Cherry had already received at least one warning about a potential filing restriction in an earlier Order in June 2025. See June 2025 Order 3. Judge Frank entered his order on June 30, 2025. Cherry filed this action less than four months later. (See Doc. No. 1, Compl.)

Because Cherry seeks to proceed in forma pauperis (see Doc. No. 2), his Complaint must be screened before service under 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous or fails to state a claim. This action lists nearly the same defendants as No. 25-CV-2633, except it also lists a dental office. (See Compl. 1, 3.) This case therefore has the same joinder defect Judge Frank identified only compounded by the addition of the dental office.

The Complaint’s 1–4 (D. Minn. June 3, 2025) (dismissing action because court “[could not] discern, despite its best efforts, what Cherry is alleging happened or how the law was purportedly violation”) (“June 2025 Order”); *Cherry v. Pursuit Hometel*, No. 25-CV-2147 (JMB/DLM), Order 2 (D. Minn. June 23, 2025) (dismissing action because court “[was] unable to identify facts supporting any legal claim or clearly explaining what conduct any Defendant took that would give rise to civil liability”); *Cherry v. Hennepin Cnty.*

ADC, No. 25-CV-2633 (DWF/EMB), 2025 WL 2182692, at *2 (D. Minn. June 30, 2025) (dismissing action for reasons discussed later in this order). factual allegations are also hard to follow and fail to state any plausible claims, like the prior case. They are not plain and clear, and the same Rule 8 problem persists. (See generally *id.* at 3–4); see also Fed. R. Civ.

P. 8. This action is therefore dismissed without prejudice under 28 U.S.C. § 1915(e)(2) and Cherry’s application to proceed in forma pauperis is denied as moot. Cherry is warned again that if he continues to file claims that are not reasonably developed in fact and law or that are duplicative of prior case filings, he will likely be placed under filing restrictions in this District.

ORDER Based on the above, and all the files, records, and submissions in this case, IT IS HEREBY ORDERED that: 1. This action is DISMISSED WITHOUT PREJUDICE under 28

U.S.C. § 1915(e)(2); and 2. Plaintiff Aaron Cherry's Application to Proceed In Forma Pauperis (Doc. No. 2) is DENIED AS MOOT. LET JUDGMENT BE ENTERED ACCORDINGLY. Date: November 26, 2025 _s/ Jerry W. Blackwell_____ JERRY W. BLACKWELL United States District Judge

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