Zinda v. Heintzeman

Nonprecedential opinion (2026)

Minnesota Court of Appeals

A25-0329 (Minn. App. Feb. 2, 2026) (nonprecedential) | A25-0329 | February 2, 2026

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Minn. R. Civ. App. P. 136.01, subd. 1(c).

STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0329

Matthew Eric Zinda,
Appellant,

vs.

Joshua Heintzeman,
Respondent.

Filed February 2, 2026
Affirmed
Connolly, Judge

Crow Wing County District Court
File No. 18-CV-24-2821

Matthew Zinda, Brainerd, Minnesota (pro se appellant)

R. Reid LeBeau II, Chalmers, Adams, Backer, and Kaufman, St. Paul, Minnesota (for respondent)

Considered and decided by Bond, Presiding Judge; Connolly, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges the dismissal, for failure to state a claim upon which relief can be granted, of his claims under 42 U.S.C. § 1983 (2024), against respondent-state representative. Appellant argues that the district court (1) erred in granting respondent's motion to dismiss; (2) abused its discretion in awarding respondent costs and attorney fees; Source PDF page 2 (3) exhibited bias against him; and (4) violated his rights by denying his request for in forma pauperis (IFP) status and the imposition of a cost bond. We affirm.

FACTS

Respondent Joshua Heintzeman is an elected member of the Minnesota House of Representatives for District 6B. Pro se appellant Matthew Eric Zinda[1] sued respondent, alleging that respondent "individually and under color of law" unlawfully deprived appellant of his rights to free speech and to petition by blocking/deleting appellant's posts on respondent's "Facebook page, titled 'Representative Josh Heintzeman.'" Appellant also alleged that respondent, as "an elected Minnesota House Representative for District 6B," violated appellant's rights under the Fourteenth Amendment when he blocked/deleted appellant's Facebook posts, thereby "unlawfully denying [appellant] his right to participate in the public forum." Appellant sought relief under 42 U.S.C. § 1983, for actual, compensatory, and punitive damages. The following facts are alleged by appellant.

On June 14, 2024, appellant commented on respondent's "Representative Josh Heintzeman" Facebook page. Appellant's comment was made in response to respondent's post claiming to have received an endorsement from the Minnesota Police and Peace Officers Association. About an hour later, appellant attempted to return to the Facebook page but discovered that he had been "blocked" from viewing the page. Sometime later, however, "Representative Josh Heintzeman" reappeared in appellant's Facebook search Source PDF page 3 results and, over the next few days, appellant continued to join the public discourse on this public forum.

On June 18, 2024, respondent posted on the "Representative Josh Heintzeman" Facebook page a letter he signed that demanded the University of Minnesota deplatform and withdraw an offer of employment to a prospective employee. An individual commented on this post, criticizing it on grounds of suppressing free speech. Respondent replied to the individual, stating "that's interesting. . . . . .feel free to back up your accusation." (Ellipses in original.) A few days later, appellant commented on the post by purportedly adding "factual support" for the individual's accusation by way of an allegation that respondent had authored legislation that the Star Tribune claimed "muzzles free speech." A few hours later, however, appellant returned to the page and discovered that his reply to respondent had been deleted. Appellant attempted to re-post his reply, but his attempt was blocked by respondent. And by June 27, 2024, the thread involving the letter to the University of Minnesota had been deleted from under the original post on respondent's Facebook page.

Respondent moved to dismiss appellant's complaint under Minn. R. Civ. P. 12.02(e), for failure to state a claim upon which relief can be granted. Respondent argued that appellant's claims should be dismissed because appellant's complaint "fails to allege that [respondent] possessed actual authority to speak on behalf of the state and exercised that authority." Respondent also sought an award of costs and attorney fees because appellant's claims were frivolous.

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The district court granted respondent's motion to dismiss with prejudice, concluding that appellant failed to state a claim upon which relief could be granted under section 1983 because appellant's complaint "fails to support [appellant's] claims that [respondent's] comments or conduct was in furtherance of his official responsibilities and duties." The district court also granted respondent's request for an award of costs and attorney fees. This appeal follows.

DECISION

I.

Appellant challenges the district court's dismissal of his action. A district court may grant a motion to dismiss if the complaint "fail[s] to state a claim upon which relief can be granted." Minn. R. Civ. P. 12.02(e). To state a claim for relief, a complaint need only "contain a short and plain statement of the claim showing that the pleader is entitled to relief." Minn. R. Civ. P. 8.01. "A claim is sufficient against a motion to dismiss for failure to state a claim if it is possible on any evidence which might be produced, consistent with the pleader's theory, to grant the relief demanded." *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 603 (Minn. 2014). In considering a motion to dismiss pursuant to rule 12.02(e), a district court must "consider only the facts alleged in the complaint, accepting those facts as true and must construe all reasonable inferences in favor of the nonmoving party." *Finn v. Alliance Bank*, 860 N.W.2d 638, 653 (Minn. 2015) (quotation omitted).

In reviewing a district court's grant of a motion to dismiss under rule 12.02(e), we "construe the complaint to allow the claim to go forward unless there is no way to construe the alleged facts—and the inferences drawn from those facts—in support of the claim." Source PDF page 5 *Demskie v. U.S. Bank Nat'l Ass'n*, 7 N.W.3d 382, 386 (Minn. 2024) (quotation omitted). We apply a de novo standard of review to a district court's grant of a motion to dismiss pursuant to rule 12.02(e). *DeRosa v. McKenzie*, 936 N.W.2d 342, 346 (Minn. 2019).

The United States Code provides a cause of action against "[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State" deprives someone of a federal constitutional or statutory right. 42 U.S.C. § 1983. This statute "protects against acts attributable to a State, not those of a private person." *Lindke v. Freed*, 601 U.S. 187, 194 (2024).

Recently, the Supreme Court in *Lindke* considered a claim brought under section 1983. *Id.* In that case, a municipal official maintained a Facebook page on which he posted both personal updates and information relating to his government job. *Id.* at 191-93. After a constituent posted negative comments, the official deleted the negative comments and blocked the constituent from commenting on the official's Facebook page. *Id.* at 190-91, 193. The constituent sued, alleging a violation of his First Amendment rights. *Id.* at 193.

On appeal, the Supreme Court recognized that, while state action is "easy to spot" in "run-of-the-mill" cases, sometimes "the line between private conduct and state action is difficult to draw." *Id.* at 195. The Court then emphasized that this is especially true in the context of social media websites like Facebook, where the line between a public official's personal communications and official communications "is often blurred." *Id.* at 197. The Court established the following two-part test for when a public official's social media activity constitutes state action under section 1983: "if the official (1) possessed actual Source PDF page 6 authority to speak on the State's behalf, and (2) purported to exercise that authority when he spoke on social media." *Id.* at 198.

Lindke's first prong asks whether the public official possesses "actual authority rooted in written law or longstanding custom to speak for the State." *Id.* at 201. "That authority must extend to

speech of the sort that caused the alleged rights deprivation." *Id.* In other words, there "must be a tie between the official's authority and the gravamen of the plaintiff's complaint." *Id.* at 199 (quotation omitted). The scope of an official's authority can be determined based on the "relevant statute, ordinance, regulation, custom, or usage." *Id.* at 200. And in some cases, "a grant of authority over particular subject matter may reasonably encompass authority to speak about it officially." *Id.*

Assuming actual authority exists, *Lindke*'s second prong asks whether the public official "purported to exercise that authority when he spoke on social media." *Id.* at 198. The context of an official's speech is critical in this step. For example, a mayor likely invokes state authority if he posts "on his Facebook page: 'Pursuant to Municipal Ordinance 22.1, I am temporarily suspending enforcement of alternate-side parking rules.'" *Id.* at 203. By contrast, if the mayor merely shares on his Facebook page otherwise available information such as a link to a parking announcement on his city's webpage, "it is far less likely that he is purporting to exercise the power of his office." *Id.* Because categorizing social media posts into private versus official action "is a fact-specific undertaking in which the post's content and function are the most important considerations," "it is crucial for the plaintiff to show that the official is purporting to exercise state authority in specific posts." *Id.*

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The district court here relied on *Lindke* in granting respondent's motion to dismiss. As a threshold matter, the district court stated that it "cannot find that any act by [respondent] asserted" in appellant's complaint "was done in pursuance of a legislative duty." The district court then determined that appellant's complaint "fails to support [his] claims that [respondent's] comments or conduct was in furtherance of his official responsibilities and duties."

Appellant argues that, as "a Minnesota House Representative . . . , legislative matters are in . . . Respondent's 'bailiwick'" and, therefore, respondent "possessed actual authority to speak on the State's behalf on legislative matters." And appellant contends that respondent "purported to exercise that authority when speaking in the [pleaded] social-media posts." We are not persuaded.

Accepting appellant's pleaded facts as true, there is no evidence that could be introduced to support appellant's claims under either of *Lindke*'s prongs. As to the first prong, appellant fails to identify any specific law, regulation, or authority allowing respondent to speak on the state's behalf in connection with the speech of the sort that caused the alleged First Amendment violations. And while respondent's role as a Minnesota State Representative may vest him with some type of authority to engage with citizens, appellant "must show more than that [respondent] had *some* authority to communicate with residents on behalf of [the state]." *Lindke*, 601 U.S. at 199. Rather, the "alleged censorship must be connected to speech on a matter within [respondent's] bailiwick." *Id.*

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Here, appellant alleges that respondent utilized his "Representative Josh Heintzeman" Facebook page to discuss government business in relation to his role as a state representative by posting (1) a statement that he received an endorsement from the Minnesota Police and Peace Officers Association and (2) a picture of a letter he signed that demanded the University of Minnesota deplatform and withdraw an offer of employment to an individual. But appellant fails to identify any relevant statute, ordinance, regulation, custom, or usage vesting authority in respondent to speak on the state's behalf. Although appellant refers to statutes that respondent allegedly authored, these statutes do not demonstrate that respondent had authority to speak on behalf of the state. Without such details, appellant fails to satisfy *Lindke*'s first prong. *See Lindke*, 601 U.S. at 198.

Appellant's complaint also fails under *Lindke*'s second prong. As the Supreme Court stated, "[a]n official does not necessarily purport to exercise his authority simply by posting about a matter within it." *Id.* at 203. And, as a private citizen with his own constitutional rights, respondent was free "to speak about public affairs in [his] personal capacit[y]." *Id.* For example, he "might post job-related information for any number of personal reasons, from a desire to raise public awareness to promoting his prospects for reelection." *Id.*

Here, even if respondent possessed actual authority to speak on behalf of the state, there is no indication that respondent was exercising that authority related to the pleaded Facebook posts. For example, the post stating that respondent received an endorsement from the Minnesota Police and Peace Officers Association relates to respondent's reelection campaign. *See id.* And the post of the letter to the University of Minnesota Source PDF page 9 indicates that respondent was merely sharing otherwise available information related to a letter he signed; he was not exercising any purported authority to speak on behalf of the state when he posted the picture of the letter. Consequently, accepting appellant's pleaded facts as true, appellant's claim also fails under the second *Lindke* prong. *See id.* at 198. And because appellant failed to satisfy either *Lindke* prong, the district court did not err in granting respondent's motion to dismiss.

II.

Appellant argues that the district court abused its discretion in awarding respondent costs and attorney fees. But although the order granting respondent's motion to dismiss also granted respondent's motion for costs and attorney fees, the order did not decide the amount of the award of costs and attorney fees. And we take judicial notice of the district court's subsequent order vacating the part of its order granting respondent's motion for attorney fees and costs. As such, there is no award of costs and attorney fees for us to review.

III.

Appellant argues that the district court exhibited bias against him by "unilaterally" bringing up various defenses for respondent. But our review of the district court's order leads us to conclude that the court was making determinations based on the allegations set forth in appellant's complaint; there is no indication that the district court raised defenses on behalf of respondent or otherwise showed favoritism to respondent.

Appellant further argues that the district court demonstrated bias against him by falsely accusing him of dishonesty related to ellipses in a post made by respondent. This Source PDF page 10 post by respondent was made in response to a post made by another individual and stated: "that's interesting. . . . . .feel free to back up your accusation." (Ellipses in original.) In addressing this post, the district court stated that appellant's "use of . . . ellipse[s] . . . implies portions of the response have been intentionally omitted" and that such a "deletion of words from a quote can significantly alter the original meaning of a quote and potentially change the context or implication and even result in leaving a claim without factual support."

As appellant points out, the ellipses were in the original post by respondent, indicating that the district court erroneously assumed that appellant had omitted part of the post. But the common use of an ellipsis is to omit portions of a quote, and appellant gave no indication that the ellipses were part of the original quote. Under these circumstances, the district court was well within its purview to assume that appellant had omitted a portion of the post. And the district court's inference from the common application of an ellipsis certainly does not indicate that the court was biased in any way against appellant. As such, appellant's claim that the district court was biased against him is unavailing.

IV.

Finally, appellant argues that the district court "deprived [him] of Constitutional Rights under color of law, to evade this court's review" of the order dismissing appellant's claims. More specifically, he appears to allege that his rights were violated when the district court denied his request for IFP status and imposed a cost bond related to this appeal, thereby frustrating his attempt to seek review of the order dismissing appellant's complaint. But as respondent points out, the denial of IFP status and the requirement of a Source PDF page 11 cost bond did "not deny review of the underlying case." Rather, appellant was required to pay a filing fee and get a cost bond to obtain review. *See* Minn. Stat. § 357.08 (2024) (requiring appellant to pay filing fee for appeal); *see also* Minn. R. Civ. App. P. 107.02 (authorizing district court to require cost bond for appeal). And appellant's arguments related to his IFP status have already been addressed through previous orders of this court. As such, appellant has not shown that his rights were violated by the denial of IFP status and the imposition of a cost bond.

Affirmed.

Court's footnotes

1 Both respondent and appellant "were Republican Party candidates for State Representative for Legislative District 6B on the 2024 primary election ballot." *Zinda v. Simon*, 12 N.W.3d 706, 708 (Minn. 2024).