

Filed 01/23/2020 by Clerk of Supreme Court

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2020 ND 3

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Nicole Gabel,

Petitioner and Appellee

v.

Jacob D. Thompson,

Respondent and Appellant

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No. 20190295

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Lindsey R. Nieuwsma, Judicial Referee.

AFFIRMED.

Per Curiam.

Amanda R. Harris, Mandan, N.D., for petitioner and appellee; submitted on brief.

Jacob D. Thompson, self-represented, Bismarck, N.D., respondent and appellant; submitted on brief.

**Gabel v. Thompson**  
**No. 20190295**

**Per Curiam.**

[¶1] Jacob Thompson appeals from a disorderly conduct restraining order entered by the district court. On appeal, Thompson argues the district court abused its discretion in issuing a disorderly conduct restraining order without allowing him a fair hearing and because his attempted communication with the petitioner was protected by the First Amendment.

[¶2] We do not address Thompson’s constitutional claim because it was not raised below. *See Matter of Didier*, 2019 ND 263, ¶ 11, 934 N.W.2d 417 (“When a party fails to raise an issue before the district court, even a constitutional issue, we generally will not address the issue on appeal.”). We conclude there was sufficient competent evidence to support the district court’s findings and the findings support the district court’s conclusion that there were reasonable grounds to believe Thompson engaged in disorderly conduct. The district court did not abuse its discretion in issuing the order. We summarily affirm under N.D.R.App.P. 35.1(a)(2), (4), and (7).

[¶3] Jon J. Jensen, C.J.  
Jerod E. Tufte  
Gerald W. VandeWalle  
Daniel J. Crothers  
Lisa Fair McEvers