

FILED
Clerk
District Court
JUN 17 2026

for the Northern Mariana Islands
By JP
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

ZAJI O. ZAJRADHARA,

Plaintiff,

v.

DAVID DLG ATALIG, *et al.*,

Defendants.

Case No. 1:22-cv-00014

**SCREENING ORDER DISMISSING
FIFTH AMENDED COMPLAINT
WITHOUT LEAVE TO AMEND**

Before the court is Plaintiff Zaji O. Zajradhara’s pro se verified Fifth Amended Complaint (“FAC”) asserting civil rights and constitutional claims. (FAC 1, ECF No. 41.) The FAC’s case caption names as defendants three Commonwealth of the Northern Mariana Islands (“CNMI”) employees—David DLG Atalig, Jesus Taisague, and Will Castro, the CNMI Government, and ten Doe Defendants, but the FAC also alleges legal claims against other defendants. (*See id.* at 1, 11–15.) Additionally, the FAC contains a “Renewed Motion for Recusal” and “Motion for Change of Venue.” (*Id.* at 1.) After filing his FAC, Zajradhara also filed a Motion for Reconsideration of the court’s prior Order Directing Plaintiff to File Exhibits (ECF No. 45) and an additional Motion for Change of Venue (ECF No. 46). For reasons explained *infra* §§ IV.A.–B., the court denies Zajradhara’s Motion for Reconsideration and will proceed to screen the FAC without consideration of the missing exhibits, denies his Motion for Recusal, and further denies his Motion for Change of Venue. Finally, upon review of the FAC, the Court DISMISSES it in its entirety without leave to amend.

I. PROCEDURAL BACKGROUND

On September 20, 2022, Zajradhara filed his application to proceed *in forma pauperis* and

original complaint. (ECF Nos. 1; 1-1; 1-20.) After the court granted Zajradhara's IFP Application but before it issued a screening order on Zajradhara's complaint, Zajradhara filed his First Amended Complaint and request for an injunction (First Am. Compl., ECF No. 3) naming the following parties as defendants: the Commonwealth of the Northern Mariana Islands ("CNMI"), Bank of Saipan, David Atalig as the Commonwealth's Secretary of Finance, Jesus Taisague as the Director of Economic Development, and Will Castro as the Governor's Chief of Staff (collectively, the "five defendants"). (First Am. Compl. 2; ECF No. 3-1 at 1–2.) On September 30, 2023, the court dismissed with prejudice Zajradhara's claims against the five defendants under Title 18 of the United States Code, the dormant Commerce Clause, Title VII of the Civil Rights Act of 1964 ("Title VII"), the Non-Federal Employee Whistleblower Protection Act of 2012, the Administrative Procedures Act, 41 U.S.C. § 4712, Title 31 of the Code of Federal Regulations ("C.F.R."), 12 U.S.C. § 5701, and 12 C.F.R. Part 1002. (ECF No. 6.) The court dismissed without prejudice Zajradhara's claims against the five defendants under 42 U.S.C. §§ 1983, 1985, and 1986 for alleged violations of his rights under the First and Fourteenth Amendments to the United States Constitution. (*Id.* at 11–13.)

After receiving three extensions (ECF Nos. 8; 10; 12), Zajradhara filed his Second Amended Complaint on July 18, 2024. (SAC, ECF No. 13.) The Second Amended Complaint named the following parties as defendants: Bank of Saipan, David Atalig, Jesus Taisague, Will Castro, and three Doe Defendants "who are believed to be involved in the conspiracy to defraud the United States government." (*Id.* at 2.) The court dismissed with prejudice Zajradhara's claims under Title 18 of the United States Code; Title VII; and the False Claims Act. (Order Dismissing SAC 7–9, ECF No. 15.) The court dismissed without prejudice Zajradhara's claims under 42 U.S.C. § 1983 for alleged

1 violations of his free speech rights under the First Amendment and equal protection rights under the
2 Fourteenth Amendment. (*See id.* at 9–14.)

3 On December 2, 2024, Zajradhara filed his Third Amended Complaint. (TAC, ECF No. 16.)
4 The Third Amended Complaint named the following parties as defendants: David Atalig, Jesus
5 Taisague, John Arroyo, and Bank of Saipan. (*Id.* at 1.) The court dismissed with prejudice Zajradhara’s
6 claims under the Little Tucker Act. (Order Dismissing TAC 11, ECF No. 21.) The court dismissed
7 without prejudice Zajradhara’s claims under the Racketeer Influenced and Corrupt Organizations Act
8 and for retaliation under the First Amendment to the United States Constitution, in addition to his
9 claims of “additional legal violations.” (*Id.* at 7–12.)

10 Subsequently, Zajradhara filed several motions (ECF Nos. 22; 25–26; 28); the court denied his
11 Motions for Recusal, granted his Motion for Leave to File Fourth Amended Complaint, and denied
12 his Motions for Reconsideration and for Stay as moot (ECF No. 30). Zajradhara filed his Fourth
13 Amended Complaint on March 27, 2025. (FAC.) On April 15, 2025, Zajradhara filed a petition for
14 writ of mandamus with the Ninth Circuit to compel the undersigned to recuse herself from this case
15 and another one of his cases in this district. (See ECF Nos. 31–31-1.) On May 22, 2025, the Ninth
16 Circuit denied Zajradhara’s petition because he failed to demonstrate “a clear and indisputable right
17 to the extraordinary remedy of mandamus.” (ECF No. 32.) On August 26, 2025, the court issued its
18 screening order dismissing Zajradhara’s Section 1983 and *Bivens* claims. (Order Dismissing Fourth
19 Am. Compl. 5–6, ECF No. 33.) The court dismissed the Section 1983 claim premised upon a violation
20 of the Fifth Amendment due process clause with prejudice, and dismissed those premised upon the
21 Fourteenth Amendment’s due process and equal protection clauses without prejudice. (*Id.* at 6–10.)
22
23
24

1 The court dismissed the *Bivens* claims premised upon violations of the Fifth Amendment’s due process
2 and equal protection guarantees without prejudice. (*Id.* at 10–13.)

3 Zajradhara moved for a ninety-day extension to file his Fifth Amended Complaint, citing his
4 filing of judicial misconduct complaints and alleging that the court’s prior legally faulty decisions
5 warranted granting the extension. (ECF No. 39.) The court denied the motion for lack of good cause
6 shown, but sua sponte extended the filing deadline. (ECF No. 40.) Zajradhara timely filed the instant
7 Fifth Amended Complaint by the extended deadline. (FAC.) Also included within the FAC are a
8 “renewed motion for recusal of Judges Frances M. Tydingco-Gatewood and Ramona V. Manglona
9 pursuant to 28 U.S.C. § 455” and “motion for change of venue pursuant to 28 U.S.C. §§ 1404(a) and
10 455.” (FAC 1, 18–19.) Subsequently, the court issued an order directing Zajradhara to file exhibits
11 referenced in the FAC for the purposes of informing the instant screening order. (ECF No. 42.) Then,
12 due to delays caused by Super Typhoon Sinlaku, the court sua sponte extended the deadline to file the
13 aforementioned exhibits. (ECF No. 43.) Prior to the extended deadline, Zajradhara filed a Motion for
14 Reconsideration of the order directing him to file exhibits, as he argues he is not required to file
15 exhibits attached to prior complaints. (ECF No. 45.) Finally, Zajradhara filed a separate Motion for
16 Change of Venue pursuant to 28 U.S.C. § 1404(a), seeking a transfer of this instant case to the District
17 of Hawaii. (ECF No. 46.)

18 **II. FACTUAL BACKGROUND**

19 The FAC asserts new claims against the CNMI House of Representatives, Northern Marianas
20 College (“NMC”), and unnamed “local officials” alleging that House Resolution 21-005 (“H.R. 21-
21 5”) serves as an unconstitutional bill of attainder in violation of Article I, Section 9, Clause 3 of the
22
23
24

1 United States Constitution. (FAC 11.) Although they are not named in the FAC’s case caption, the
 2 court will interpret the FAC to name the CNMI House of Representatives, NMC, and the unnamed
 3 local officials as defendants for the purposes of Zajradhara’s bill of attainder claim.

4 In addition, the FAC reasserts Section 1983 claims against Defendants Atalig, Taisague,
 5 Arroyo, and the CNMI Government for alleged First Amendment retaliation, violations of his due
 6 process rights under the Fifth and Fourteenth Amendments, and for equal protection violations under
 7 the Fifth and Fourteenth Amendments.¹ (*Id.* at 12–13.) Further, Zajradhara brings a claim against
 8 “local legislative actors (authors and proponents of HR 21-005), institutional actors (NMC
 9 administrators and trustees), and judicial actors (judges who upheld orders without full process)” for
 10 “conspiracy to deprive civil rights” pursuant to 42 U.S.C. §§ 1985-86. (*Id.* at 14.)

11 The court has previously detailed the factual bases for Zajradhara’s claims, and summarizes
 12 the facts relevant to the FAC’s claims below:
 13

- 14 • Count I, Bill of Attainder Claim: Zajradhara alleges that CNMI H.R. 21-5 serves as an
 15 unconstitutional bill of attainder under Art. I, § 9, cl. 3 of the U.S. Constitution. (*Id.* at 11.) He
 16 states that since H.R. 21-5 is a “legislative act or governmental resolution” that “explicitly
 17 identifies Plaintiff by name[,] . . . Carrie[s] stigmatic and exclusionary effects[,] . . . and [] was
 18
 19
 20

21 ¹ Zajradhara also brings *Bivens* claims premised upon these constitutional violations to the extent where “federal
 22 officers [are] implicated.” (*See* FAC 12.) However, the FAC does not name any federal officers as defendants,
 23 and “*Bivens* claims are limited to *federal* officials.” *See Martinez v. City of L.A.*, 141 F.3d 1373, 1383 (9th Cir.
 24 1998) (emphasis added). Thus, all of Zajradhara’s *Bivens* claims are DISMISSED WITHOUT PREJUDICE
 and without leave to amend.

1 adopted without a judicial hearing, trial, or opportunity for Plaintiff to respond[.]” the
2 resolution serves as an unconstitutional bill of attainder. (*Id.*)

- 3 • Count II, Section 1983 Claim for First Amendment Retaliation: Zajradhara alleges that
4 Defendants Atalig, Taisague, Arroyo, and the CNMI Government participated in “denial of
5 ARPA funds, reli[ed] on HR 21-005 to exclude Plaintiff from programs, support[ed] []
6 litigation and injunctions, and coordinated procedural efforts at the state and federal court
7 levels to prevent adjudication.” (*Id.* at 12.) Zajradhara alleges that these actions were
8 “motivated at least in substantial part by . . . [his] whistleblowing and advocacy regarding
9 alleged misuse of ARPA funds and federal programs[.]” (*Id.*)
- 10 • Count III, Section 1983 Claim for Fifth and Fourteenth Amendment Due Process Violations:
11 Zajradhara alleges that the Defendants deprived him of his “cognizable property or entitlement
12 interest in access to ARPA funding and in participation in federally supported programs . . .
13 without pre-deprivation process, relying upon HR 21-005 and subsequent institutional
14 actions.” (*Id.* at 13.) Zajradhara further alleges that “the CNMI courts’ exclusion of exculpatory
15 evidence and repeated federal screening dismissals deprived [him] of a meaningful forum to
16 vindicate constitutional rights . . . violat[ing] procedural and . . . substantive due process
17 guarantees.” (*Id.*)
- 18 • Count IV, Section 1983 Claim for Fifth and Fourteenth Amendment Equal Protection
19 Violations: Zajradhara alleges that the “Defendants’ targeted reliance on HR 21-005 to label
20 and exclude Plaintiff—a non-indigenous (non-NMD) and outspoken critic of local fund
21 distribution—demonstrates both disparate treatment and viewpoint discrimination.” (*Id.*)
22
23
24

1 Zajradhara alleges that unlike other individuals who were “similarly situated[.]” he was
2 subjected to “legislation” and “institutional sanctions[.]” demonstrating “selective
3 enforcement and disparate outcomes[.]” (*Id.*)

- 4 • Count V, Section 1985(3) and 1986 Claims for Conspiracy to Deprive Civil Rights: Zajradhara
5 alleges that there was a conspiracy between “local legislative actors (authors and proponents
6 of HR 21-005), institutional actors (NMC administrators and trustees), and judicial actors
7 (judges who adopted or upheld orders without full process)” to “deprive Plaintiff of civil rights
8 by stigmatizing him, excluding him from programs, and preventing full federal adjudication.”
9 (*Id.* at 14). Zajradhara further alleges that the timing of the filing of H.R. 21-5 and subsequent
10 lawsuits indicated coordination and a “shared objective” to suppress Zajradhara’s free speech
11 and “program participation[.]” (*Id.*). Zajradhara claims that “the record supports plausibly
12 alleged meeting-of-minds and overt acts in furtherance” of such a conspiracy. (*Id.*)

13
14 Zajradhara provides two additional “counts.” (*See id.* at 14–15.) The court construes Count VI
15 as a Motion for Recusal of the undersigned and Chief Judge Ramona V. Manglona from this instant
16 suit, in addition to a Motion to Transfer Venue to the District of Hawaii. Count VII seeks declaratory
17 judgment under 28 U.S.C. § 2201 and injunctive relief in relation to Counts I through V, in addition
18 to two claims: 1) “the CNMI courts’ failure to permit fair process violated Due Process” and 2) “the
19 federal district court’s pattern of screening dismissals constitutes denial of access to the courts”
20 (*See id.* at 15.)

21
22 Zajradhara prays for the following relief:

- 23 a. Declaratory judgment that HR 21-005 is an unconstitutional bill of attainder;
- 24 b. Declaratory judgment that Defendants violated Plaintiffs rights under the First. Fifth,

and Fourteenth Amendments;

c. An order recusing Judges Manglona and Tydingco-Gatewood and transferring venue to the District of Hawaii under 28 U.S.C. § 1404(a);

d. Injunctive relief vacating and enjoining enforcement of orders obtained in reliance on HR 21-005 and restoring Plaintiff to any federal programs from which he was excluded;

e. Compensatory, consequential, and punitive damages in amounts to be shown at trial;

f. An award of costs, including attorney's fees pursuant to 42 U.S.C. § 1988 and other applicable statutes;

g. An accounting and disgorgement (as appropriate) of improperly diverted federal funds;

h. Appointment of an independent special master or monitor;

i. Such other and further relief as the Court deems just and proper.

(*Id.* at 15–16.)

III. LEGAL STANDARD

Because this is a civil action initiated by a pro se litigant filing *in forma pauperis*, the Court will examine the complaint to determine if it passes screening. A plaintiff's claim may be dismissed if the plaintiff "fails to state a cognizable legal theory or has not alleged sufficient facts to support a cognizable legal theory." *Wild Equity Inst. v. United States EPA*, 147 F. Supp. 3d 853, 861 (N.D. Cal. 2015). At minimum, a complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Rule 8 does not require "'detailed factual allegations,' but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Id.* (internal citation omitted). The plaintiff must "plead[] factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* (internal citation omitted). Furthermore, although this standard need not

1 rise to the level of probability, “it asks for more than a sheer possibility that a defendant has acted
2 unlawfully.” *Id.* (internal citation omitted).

3 At the same time, “[i]t is an entrenched principle that pro se filings however inartfully pleaded
4 are held to less stringent standards than formal pleadings drafted by lawyers.” *United States v. Qazi*,
5 975 F.3d 989, 992–93 (9th Cir. 2020) (internal citations and quotation marks omitted). However, the
6 court “may not supply essential elements of the claim that were not initially pled.” *Pena v. Gardner*,
7 976 F.2d 469, 471 (9th Cir. 1992) (internal citation omitted).

8 **IV. DISCUSSION**

9 For the following reasons, the court DENIES Zajradhara’s Motion for Reconsideration, Motion
10 for Recusal, and Motion for Change of Venue. Further, the court DISMISSES all of the FAC’s claims
11 without leave to amend.
12

13 **A. The court denies Zajradhara’s Motion for Reconsideration but clarifies which filed 14 exhibits it will consider for the purposes of screening.**

15 As an initial matter, Zajradhara seeks reconsideration of the court’s order directing him to file
16 the exhibits he references on page 16 of the FAC:

17 (i) HR 21-005 and legislative materials; (ii) the NMC complaint and Superior Court
18 docket (24-0101); (iii) injunctive order and excluded evidence records; (iv) Plaintiff’s
19 federal filings (ECF No. 1 et seq.; TAC; FAC5); (v) Petition for Rehearing en banc
20 (May 29, 2025); (vi) CNMI Judicial Corruption / Deprivation of Constitutional Rights
21 complaint (Aug. 24, 2025) and associated appendices; and (vii) Judicial Misconduct
22 complaints (Sept.-Oct. 2025). Representative documentary sources in the record
23 include: the Petition for Rehearing en banc and related petition documents.
24

(See ECF Nos. 45; 42; FAC 16.)

22 Zajradhara argues that he has already submitted the relevant exhibits, attached to prior filings.
23 (ECF No. 45 at 3.) However, Zajradhara’s Motion does not address missing exhibits that were never
24

1 filed—namely, “the NMC complaint and Superior Court docket (24-0101); . . . injunctive order and
2 excluded evidence records; . . . Petition for Rehearing en banc (May 29, 2025); . . . CNMI Judicial
3 Corruption/Deprivation of Constitutional Rights complaint (Aug. 24, 2025) and associated
4 appendices; . . . and Judicial Misconduct complaints (Sept.-Oct. 2025).” (*See* FAC 16.) In fact, the
5 Motion indicates that no new exhibits were filed by Zajradhara after August 2023. (*See* ECF No. 45
6 at 2.) Although Fed. R. Civ. P. 10(c) does allow for adoption of exhibits by reference, the court cannot
7 consider exhibits that were never filed, such as the 2024 and 2025 exhibits referenced by Zajradhara.
8 (*See* FAC 16.) Further, the court cannot incorporate by reference exhibits from entirely different cases,
9 especially if those cases are not even in federal court. *See Amini Innovation Corp. v. McFerran Home*
10 *Furnishings, Inc.*, 301 F.R.D. 487, 492 (C.D. Cal. 2014) (“courts typically hold that Rule 10(c) does
11 not allow a party to adopt pleadings from a wholly separate action, even if that action is between the
12 same parties”). Although the court will consider the exhibits filed to support prior iterations of the
13 complaint in this action,² the court DENIES Zajradhara’s Motion for Reconsideration to the extent it
14 seeks to include exhibits that were never filed.
15
16
17
18
19

20 ² These exhibits consist of: a string of various email snippets with government employees alleging unfair
21 treatment and misuse of federal funds; H.R. 21-5; numerous complaint forms he filed with government
22 agencies; a project summary of his trade organization; his application for ARPA Coronavirus State and Local
23 Fiscal Recovery Funds (CSLFRF), a letter from the U.S. Department of Treasury, Internal Revenue Service,
24 Whistleblower Officer confirming receipt of Zajradhara’s claim; a memorandum from the Acting Chief
Recovery Officer, Department of the Treasury regarding a Desk Review of the CNMI’s Use of Coronavirus
Relief Fund Proceeds; and a timeline of events compiled by Zajradhara. (ECF Nos. 1-3–1-33, 3-2–3-13, 5-1–
5-2, 16-1.)

A. The court denies Zajradhara’s Motions for Recusal and Change of Venue.

Zajradhara moves for recusal of the undersigned and Chief Judge Manglona under 28 U.S.C. § 455(a)–(b). (FAC 3, 8.) First, Chief Judge Manglona recused herself from this matter over one year ago, based on facts unrelated to those that Zajradhara has raised. (*See* ECF No. 19.) Second, the court has already denied Zajradhara’s prior motion for recusal of the undersigned (ECF No. 30), and the Ninth Circuit denied Zajradhara’s petition for a writ of mandamus compelling the undersigned to recuse herself from this case. (*See* ECF Nos. 30; 31–31-1; 32.) Zajradhara’s instant Motion for Recusal does not assert any new facts that warrant the undersigned’s recusal. *See also United States v. Sibla*, 624 F.2d 864, 867–68 (9th Cir. 1980) (28 U.S.C. § 455 is “self-enforcing on the part of the judge” and “includes no provision for referral of the question of recusal to another judge[.]”).

Relatedly, Zajradhara seeks to transfer the instant suit to the District of Hawaii pursuant to 28 U.S.C. § 1404(a), despite initially filing this suit within the District of the Northern Mariana Islands. (ECF No. 46; FAC 19.) Under 28 U.S.C. § 1404(a), “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought” Zajradhara acknowledges that “[v]enue is proper in this District . . . , as a substantial part of the events and omissions giving rise to [his] claims occurred in the CNMI, and Defendants reside or conduct business here.” (FAC 2.) Instead, Zajradhara seeks transfer for reasons including an “appearance of partiality that taints the entire Northern Mariana Islands venue” and judicial delay tactics. (ECF No. 46 at 3.) Zajradhara’s arguments for transfer of venue resemble his arguments for recusal, and the undersigned has already determined that recusal is not warranted. Further, because the parties, evidence, and events giving rise to Zajradhara’s claims are

1 located within the CNMI, the court DENIES the motion to transfer venue. Lastly, as detailed in the
2 following sections, the court finds no cognizable legal claims and dismisses the FAC in its entirety;
3 accordingly, his motion to transfer is rendered moot. *See Baxter v. Conte*, 190 F. Supp. 2d 123, 130
4 (D. Mass. 2001) (finding motion to transfer venue was rendered moot because court discerned no
5 cognizable legal claim).

6 **B. The court lacks jurisdiction over Zajradhara's claims.**

7 Zajradhara asserts that the court has federal question subject matter jurisdiction over his claims
8 pursuant to 28 U.S.C. § 1331 (FAC 2), which states that “[t]he district courts shall have original
9 jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”
10 However, 28 U.S.C. § 1331 does not alone confer federal subject matter jurisdiction; it must be plead
11 in conjunction with “a federal statute that creates a right of action in federal court.” *See Williams v.*
12 *United Airlines, Inc.*, 500 F.3d 1019, 1021–22 (9th Cir. 2007) (internal citations omitted).

13
14 The court determines that it lacks jurisdiction over all of Zajradhara's claims, which are
15 brought under various provisions of federal law. (1) Zajradhara improperly brings a bill of attainder
16 claim under Article I, Section 9, of the United States Constitution and provides no evidence that H.R.
17 21-5 has been enacted into law; (3) Zajradhara fails to provide sufficient factual allegations to support
18 any valid causes of action under 42 U.S.C. § 1983; (4) a valid cause of action under Section 1983 is a
19 prerequisite to any successful claims under 42 U.S.C. §§ 1985 and 1986; and (5) Zajradhara fails to
20 state any other grounds for declaratory judgment or injunctive relief.
21
22
23
24

C. Bill of Attainder Claim (Count I)

Zajradhara alleges that CNMI H.R. 21-5 acts as an unconstitutional bill of attainder pursuant to Article I, Section 9, Clause 3 of the United States Constitution. (FAC 11.) As an initial matter, Zajradhara’s claim improperly relies upon Article I, Section 9. Section 9 addresses acts of Congress, not acts of state governments. *See SeaRiver Mar. Fin. Holdings, Inc. v. Mineta*, 309 F.3d 662, 668 (9th Cir. 2002) (“The Constitution instructs Congress that ‘No Bill of Attainder . . . shall be passed.’”). On the other hand, Article I, Section 10 states that “[n]o State shall . . . pass any Bill of Attainder[.]”

Even construing the bill of attainder claim as properly brought under Article I, Section 10, the claim fails. “A bill of attainder is a ‘law that legislatively determines guilt and inflicts punishment upon an identifiable individual without provision of the protections of a judicial trial.’” *Fowler Packing Co. v. Lanier*, 844 F.3d 809, 816–17 (9th Cir. 2016) (quoting *Nixon v. Adm’r of Gen. Servs.*, 433 U.S. 425, 468 (1977)). The mere act of introducing a piece of legislation cannot serve as the basis for a valid bill of attainder claim—a bill must pass into *law* before such an analysis is considered. *See id.* at 817. The Commonwealth Constitution vests the Commonwealth’s legislative power exclusively in the bicameral Northern Marianas Commonwealth Legislature. N. Mar. I. Const. art. II, § 1; *Torres v. Commonwealth Utils. Corp.*, 2009 MP 14 ¶ 25 (N. Mar. I. 2009). The Commonwealth Legislature “may not enact a law except by bill and no bill may be enacted without the approval of at least a majority of the votes cast in each house of legislature[.]” N. Mar. I. Const. art. II, § 5(c); further, no bill shall become law without, *inter alia*, transmittal of the enacted bill to the Commonwealth Governor for further action, *id.* art. II, § 7(a).

1 The relevant exhibit does not demonstrate that H.R. 21-5 was ever voted upon by either
2 chamber of the Legislature, or that the bill was ever transmitted to the Governor for further action.
3 (ECF No. 1-31; *see also* Order Dismissing TAC 9 n.2; Order Dismissing SAC 13.) Further, pursuant
4 to Fed. R. Evid. 201(b)(2), the court takes judicial notice of the Commonwealth Law Revision
5 Commission's collection of public laws enacted by the Twenty-First Legislature and the
6 Commonwealth Legislature's records concerning the legislative history of House Resolution 21-5.
7 House Resolution 21-5 is not among the forty-four public laws enacted by the Twenty-First
8 Legislature. *See 21st Legislature, Commonwealth Law Revision Commission,*
9 <https://cnmilaw.org/pl21.php>. The Commonwealth Legislature's records indicate that H.R. 21-5 was
10 introduced and referred to committee without any further action, and never adopted by the House of
11 Representatives. *See House Resolutions: HR 21-005*, Northern Marianas Commonwealth Legislature,
12 https://cnmileg.net/leg_sts.asp?legID=15743&secID=1 (listing last action as March 12, 2019 referral
13 to House of Representatives Committee on Judiciary and Governmental Operations, with reporting
14 deadline of May 11, 2019). Accordingly, H.R. 21-5 was never enacted and is not law. The
15 Commonwealth accordingly has not "legislatively determine[d]" Zajradhara's guilt and inflicted a
16 punishment through H.R. 21-5. *See Fowler Packing Co.*, 844 F.3d at 817 (quoting *Nixon*, 433 U.S. at
17 468).

18
19 Therefore, Zajradhara's bill of attainder claim is DISMISSED WITH PREJUDICE and cannot
20 be reasserted.
21
22
23
24

D. 42 U.S.C. § 1983 Claims (Counts II, III, IV)

The court now turns to the Section 1983 claims³ asserted by Zajradhara in Counts II, III, and IV. The court finds that Zajradhara has failed to provide sufficient factual allegations to support any valid Section 1983 claims arising under the First, Fifth, or Fourteenth Amendments of the United States Constitution. 42 U.S.C. § 1983 allows plaintiffs to pursue civil remedies for deprivation of rights protected the Constitution or federal law against parties acting under “color of state law.” In relevant part, the statute provides:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress[.]

42 U.S.C. § 1983. A plaintiff seeking relief under Section 1983 therefore must allege sufficient information to satisfy two prongs: (1) that the defendant acted under color of state or territorial law; and (2) that the defendant’s conduct deprived the plaintiff of rights provided by the Constitution or federal law. The Supreme Court has stated that a defendant in a Section 1983 suit must have “exercised power ‘possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.’” *West v. Atkins*, 487 U.S. 42, 49 (1988) (citing *United States v. Classic*, 313 U.S. 299, 326 (1941)).

Further, the plaintiff must demonstrate that his injury was caused by the defendant’s conduct. “Such causation can be established either by some kind of direct personal participation in the

³ The court has already dismissed Zajradhara’s *Bivens* claims because Zajrdhara has not named any federal officers as defendants. *Supra* note 1, § II.

1 deprivation or by setting in motion a series of acts by others which the actor knows or reasonably
2 should know would cause others to inflict the constitutional injury.” *Chaudhry v. Aragón*, 68 F.4th
3 1161, 1169 (9th Cir. 2023) (internal citations and quotation marks omitted). A Section 1983 claim
4 must be asserted based on the defendant’s own actions—“Section 1983 will not support a claim based
5 on a *respondeat superior* theory of liability.” *Polk Cty. v. Dodson*, 454 U.S. 312, 325 (1981).

6 ***i. First Amendment Retaliation***

7 The court declines to address Zajradhara’s First Amendment retaliation claim because it was
8 previously dismissed with prejudice (Order Dismissing TAC 10), after the court had allowed
9 Zajradhara leave to amend the claim (Order Dismissing SAC 14).

10 ***ii. Fifth and Fourteenth Amendment Due Process Violations***

11 Similarly, the court declines to address Zajradhara’s Fifth Amendment due process claim
12 because it was dismissed with prejudice in the previous screening order. (Order Dismissing Fourth
13 Am. Compl. 7.)

14 Zajradhara alleges that “[he] had a cognizable property or entitlement interest in access to
15 ARPA funding and in participation in federally supported programs[,]” and that “Defendants denied
16 those benefits without pre-deprivation process[.]” Furthermore, Zajradhara alleges that the “CNMI
17 courts’ exclusion of exculpatory evidence and repeated federal screening dismissals . . . violated both
18 procedural and . . . substantive due process guarantees.” (FAC 13.)

19
20 Zajradhara has failed to state a substantive due process violation. “The protections of
21 substantive due process have for the most part been accorded to matters relating to marriage, family,
22 procreation, and the right to bodily integrity.” *Albright v. Oliver*, 510 U.S. 266, 272 (1994). Zajradhara
23
24

1 has not demonstrated how the Constitution's substantive due process provisions would apply in this
2 context, and thus his substantive due process claim is DISMISSED WITHOUT PREJUDICE and
3 without leave to amend.

4 "A procedural due process claim has two distinct elements: (1) a deprivation of a
5 constitutionally protected liberty or property interest, and (2) a denial of adequate procedural
6 protections." *Brewster v. Bd. of Educ. of Lynwood Unified Sch. Dist.*, 149 F.3d 971, 982 (9th Cir.
7 1998). "To have a property interest in a benefit, a person clearly must have more than an abstract need
8 or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a
9 legitimate claim of entitlement to it." *Bd. of Regents v. Roth*, 408 U.S. 564, 577 (1972). Here,
10 Zajradhara has again failed to demonstrate that he was deprived of a constitutionally protected property
11 interest when his applications for grant funding were denied. The prior screening order identified that
12 because "Zajradhara has neither explicitly asserted nor provided evidence that he has complied with
13 the application requirements for the ARPA funds . . . he has failed to support that he has a protected
14 property interest in the funds." (Order Dismissing Fourth. Am. Compl. 8.) The instant FAC simply
15 asserts that Zajradhara has a "cognizable property or entitlement interest in access to ARPA funding .
16 . . ." (FAC 13.) However, as other districts courts in the Ninth Circuit have found, merely submitting
17 an application for a grant program does not establish a protected property interest. *See Native Vill. of*
18 *Akutan v. Jackson*, 442 F. Supp. 2d 789, 795 (D. Alaska 2006). Accordingly, the court now
19 DISMISSES Zajradhara's Section 1983 claim based on a violation of his Fourteenth Amendment
20 procedural due process rights under the WITH PREJUDICE, given that further leave to amend would
21 be futile.
22
23
24

1 Lastly, it is unclear whether Zajradhara is bringing due process claims based on his allegations
2 regarding “the CNMI courts’ exclusion of exculpatory evidence and repeated federal screening
3 dismissals[,]” or whether these are just additional factual allegations. To the extent that he is bringing
4 due process claims, the court is unsure how these allegations are related to series of transactions
5 underlying the FAC—namely, the events surrounding the denial of ARPA funds. Indeed, the court is
6 having a hard time understanding what Zajradhara’s allegations against the CNMI courts are referring
7 to at all. Unrelated claims that involve different defendants must be brought in separate lawsuits,
8 *see George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007); a plaintiff may add additional claims against
9 other defendants if those claims arise from the same series of transactions as his original claim, *see*
10 Fed. R. Civ. P. 20(a)(2).

11 Further, Zajradhara’s claim that the federal court’s prior screening orders violate his due
12 process rights fails on its face. The court has extended procedural protections to Zajradhara throughout
13 the screening process by providing him multiple opportunities to amend his complaint, and to
14 supplement his pleadings with hundreds of pages of exhibits. Thus, any challenge to the court’s use
15 of the screening procedure pursuant to 28 U.S.C. §§ 1915(e)(2)(B) is not cognizable, *see also James*
16 *v. Giles*, 221 F.3d 1074, 1077 (9th Cir. 2000) (finding *in forma pauperis* pro se litigants are entitled
17 to certain procedural protections, such as receiving an opportunity to amend), though Zajradhara has
18 always been and remains free to challenge the merits of the court’s screening orders through a proper
19 motion for reconsideration or on appeal to the Ninth Circuit. Again, the court is unsure if Zajradhara
20 is bringing due process claims based on the actions of the CNMI courts and this Court’s screening
21
22
23
24

orders, but to the extent he is, the claims are DISMISSED WITHOUT PREJUDICE and without leave to amend.

iii. Fifth and Fourteenth Amendment Equal Protection Violations

Zajradhara reasserts his Section 1983 claim for equal protection violations under the Fifth and Fourteenth Amendments. Citing *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000), Zajradhara claims he “was singled out for exclusion while similarly situated persons (including those who did not engage in whistleblowing or who had political ties) were not subjected to comparable legislation or institutional sanctions.”⁴ (FAC 13.) The court determines that Zajradhara’s Section 1983 claims premised upon equal protection violations must fail.

As an initial matter, the Fifth Amendment cannot support Zajradhara’s Section 1983 claims. “[T]he Fifth Amendment’s due process clause only applies to the federal government,” *Bingue v. Prunchak*, 512 F.3d 1169, 1174 (9th Cir. 2008), so any such claim pursued against a CNMI official is foreclosed. Thus, the Fifth Amendment equal protection basis for the Section 1983 claims is DISMISSED WITH PREJUDICE.

“The Fourteenth Amendment applies to the CNMI as if the Northern Mariana Islands were one of the several states.” *Sagana v. Tenorio*, 384 F.3d 731, 740 (9th Cir. 2004) (internal citations and quotation marks omitted). As stated in the court’s prior screening order, “[a]lthough the Supreme Court has acknowledged the class of one theory of equal protection, it has held that this theory applies

⁴ Zajradhara also alludes to the fact that he is “non-indigenous[.]” (FAC 13.) However, the FAC alleges that the disparate treatment is attributable to the fact that other similarly situated individuals “did not engage in whistleblowing or . . . had political ties[.]” (FAC 13.) Thus, the court finds that the FAC has failed to plead any equal protection claim based on Zajradhara’s “non-indigenous” background.

only in limited circumstances[.]” (Order Dismissing Fourth Am. Compl. 9.) “The class-of-one doctrine does not apply to forms of state action that ‘by their nature involve discretionary decisionmaking based on a vast array of subjective, individualized assessments.’” *Towery v. Brewer*, 672 F.3d 650, 660 (9th Cir. 2012) (quoting *Engquist v. Oregon Dep’t of Agric.*, 553 U.S. 591, 603 (2008)). Further, in order to bring a valid class-of-one claim, the plaintiff “must be similarly situated to the proposed comparator in all material respects.” *SmileDirectClub, LLC v. Tippins*, 31 F.4th 1110, 1123 (9th Cir. 2022).

Here, Zajradhara has failed to meet the threshold for pleading a valid class-of-one equal protection claim. Upon amending his complaint, Zajradhara “has neither explicitly asserted nor provided evidence that he complied with the application requirements for the funds he seeks[.]” (*See* Order Dismissing Fourth Am. Compl. 9.) Thus, Zajradhara has failed to establish that he was “intentionally [] treated differently from others similarly situated[.]” and that the Defendants lacked a rational basis for any difference in treatment. *See SmileDirectClub*, 31 F.4th at 1122–23. Further, selection between different candidates for a grant is a governmental action which is subjective, discretionary, and individualized by nature—further counseling against the recognition of the class of one doctrine based on the facts alleged in this instant FAC. *See Towery*, 672 F.3d at 660. Finally, Zajradhara alleges that Defendants relied on H.R. 21-5 “to label and exclude [him]” from grant funding. (FAC 13.) However, Zajradhara fails to provide sufficient factual allegations establishing that the decision to deny his grant applications was influenced by H.R. 21-5 at all.⁵

⁵ Zajradhara asserts that his injury is traceable to HR 21-5 and “local enforcement actions.” (FAC 13.) However, as established *supra* § IV.C., H.R. 21-5 has not even been subject to a vote in the CNMI Legislature, let alone become enacted legislation with force of law. In other words, there is no enacted legislation to be “enforced.”

For the aforementioned reasons, Zajradhara's Section 1983 claims for alleged Fifth and Fourteenth Amendment equal protection violations are DISMISSED WITH PREJUDICE and cannot be reasserted.

E. Section 1985 and Section 1986 Claims (Count V)

Zajradhara alleges that there is a "conspiracy among local legislative actors (authors and proponents of HR 21-005), institutional actors (NMC administrators and trustees), and judicial actors (judges who adopted or upheld orders without full process) to deprive Plaintiff of civil rights by stigmatizing him, excluding him from programs, and preventing full federal adjudication." (FAC 14.) "42 U.S.C. § 1985(3) . . . was enacted by the Reconstruction Congress to protect individuals . . . from conspiracies to deprive them of their legally protected rights." *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529, 1536 (9th Cir. 1992). "[T]he absence of a section 1983 deprivation of rights precludes a section 1985 conspiracy claim predicated on the same allegations." *Caldeira v. Cnty. of Kauai*, 866 F.2d 1175, 1182 (9th Cir. 1989), *cert. denied*, 493 U.S. 817 (1989) (internal citations omitted)).

Here, given that Zajradhara has failed to state any Section 1983 claims, *supra* §§ IV.D.i.-iii., the court determines that he has failed to state a viable Section 1985 claim. Further, because Zajradhara has failed to state a Section 1985 claim, his Section 1986 claim must also fail. *See Trerice v. Pedersen*, 769 F.2d 1398, 1403 (9th Cir. 1985) ("cause of action is not provided under 42 U.S.C. § 1986 absent a valid claim for relief under section 1985"). Zajradhara's Section 1985 and 1986 claims are DISMISSED WITHOUT PREJUDICE and without leave to amend.

F. Additional claims for declaratory judgment and injunctive relief (Count VII)

Zajradhara’s last “count”—Count VII—seeks declaratory judgment under 28 U.S.C. § 2201 and injunctive relief based on a scatter of legal claims, both claims that are pled earlier in the FAC and claims that are not. (*See* FAC 15.) Because the court has found that none of Zajradhara’s prior legal claims—pled in Counts I to V—survive screening, Zajradhara’s claims for declaratory judgment and injunctive relief premised upon those legal claims must fail. To the extent that Count VII attempts to plead a new “denial of access to the courts” claim against the federal district court (*see id.*), Zajradhara has failed to state a claim because claims for denial of access to the courts arise from third parties, typically prison officers, hindering a plaintiff’s opportunity to file in court. The court is unaware of any context in which a claim for denial of access to the courts can be brought against the court itself, and the FAC provides no citation to legal authority. Thus, the claim is DISMISSED WITHOUT PREJUDICE and without leave to amend.

G. CONCLUSION

For the foregoing reasons, Zajradhara’s Fifth Amended Complaint is dismissed without leave to amend. Zajradhara has been granted ample opportunity to cure the deficiencies in his complaint, without success. The court finds that granting further leave to amend at this point would be futile. The clerk is directed to enter judgment accordingly and to close this case.

IT IS SO ORDERED this 17th day of June, 2026.



/s/ Frances M. Tydingco-Gatewood
Designated Judge