

FILED
Clerk
District Court
JUN 30 2026

IN THE UNITED STATES DISTRICT COURT for the Northern Mariana Islands
FOR THE NORTHERN MARIANA ISLANDS By JP
(Deputy Clerk)

ANTHONY M. CAMACHO,

Case No. 1:26-cv-00007

Plaintiff,

v.

**SCREENING ORDER
DISMISSING COMPLAINT WITH
LEAVE TO AMEND IN PART**

ANTHONY C. TORRES, Commonwealth
of the Northern Mariana Islands
Department of Corrections (“DOC”)
Commissioner;
JOAQUIN C. SABLAN, DOC
Classifications Unit Captain;
MARVIN B. SEMAN, DOC Acting
Director; and
LIANNA P. QUITUGUA, DOC Internal
Affairs Sergeant, in their official capacities,

Defendants.

Before the Court are Plaintiff Anthony M. Camacho’s Application to Proceed in District Court Without Prepaying Fees or Costs (the “Application,” ECF No. 1) and Complaint for Violation of Civil Rights (Prisoner Complaint) (the “Complaint,” ECF No. 2), both filed on May 4, 2026. For the reasons set forth below, the Court GRANTS Camacho’s Application to proceed *in forma pauperis*. However, because the Court finds that his Complaint fails to state a claim upon which relief may be granted, the Court DISMISSES the Complaint with leave for Camacho to amend in part.

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1 **I. APPLICATION TO PROCEED *IN FORMA PAUPERIS***

2 Camacho's Application is supported by his affidavit and financial information. (*See*
3 *generally* Appl., ECF No. 1.) Based on his representations concerning his incarceration and
4 indigent status, the Court finds Camacho's Application well taken and therefore grants his
5 Application.

6 **II. BACKGROUND**

7 Camacho's eleven-page form Complaint for Violation of Civil Rights (*see* Compl. 1-11,
8 ECF No. 2), is accompanied by five handwritten pages of allegations (*see id.* at 12-16) and two
9 exhibits that appear to be pages from the handbook for inmate and detainees issued by the
10 Commonwealth of the Northern Mariana Islands ("CNMI") Department of Corrections (*see id.* at
11 17, 18). Therein, Camacho brings a claim under 42 U.S.C. § 1983 against four individuals:
12 Anthony C. Torres, Commissioner of the CNMI Department of Corrections ("DOC"); Joaquin C.
13 Sablan, a Captain in DOC's Classifications Unit; Marvin B. Seman, a Captain and Acting Director
14 of DOC; and Lianna P. Quitugua, a Sergeant with DOC Internal Affairs. (Compl. 2-3.) The
15 Complaint alleges the following facts:

16 (1) Camacho is incarcerated at DOC, having been convicted and sentenced in the
17 Commonwealth courts. (Compl. 4.)

18 (2) On February 11, 2025, Acting Director Seman confiscated from Camacho two plastic
19 containers, one with a hot dog and the other with sardines and rice. (*Id.* at 12 (¶ 1).)
20 Camacho had been assigned to a work assignment outside of the DOC facility and brought
21 the food items into the facility with the permission of a DOC booking officer. (*Id.* at 4
22 (¶ 11); *see also id.* (¶ 12) (explaining that he brought the outside food into the DOC facility
23 because food portions within the facility "are kids portion," no regulations prohibited
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1 bringing outside food into the facility, and the DOC booking officer “benefits from outside
2 inmate workers by ways of taxing us”).)

3 (3) The following morning, another DOC officer informed Camacho and another inmate that
4 they would not be exiting the DOC facility to perform work assignments because their
5 work assignments had “been ceased until further notice.” (Compl. 4 (¶ 2).)

6 (4) One week later, Acting Director Seman interviewed Camacho concerning the February 11
7 confiscations, during which Acting Director Seman stated that Camacho’s work
8 assignment had been terminated because (a) Commissioner Torres was aware of the
9 “incident,” (b) other inmates within the same pod, but different section, as Camacho had
10 “filed grievance[s] against [Camacho] regarding the plastic bag,” and (c) Acting Director
11 Seman would “look stupid” by allowing Camacho to return to his work assignment. (*Id.*
12 (¶ 3); *see also id.* at 15 (¶ 10) (asserting that Acting Director Seman’s decision was also
13 motivated by “his pride as an acting director”).)

14 (5) Sergeant Quitugua and Captain Sablan have repeatedly told Camacho that bringing outside
15 food into the DOC facility is prohibited; however, the two officers have not “shown
16 [him] . . . which or what subsection under Title 57 [of the Northern Mariana Islands
17 Administrative Code] stat[es] that inmate[] worker[s] assigned to work outside [of the]
18 DOC facility are prohibited to bring in outside food into [the] DOC facility.” (Compl. 13
19 (¶ 4).)

20 (6) Nor does the DOC’s Inmate and Detainee Handbook, provided to inmates on work
21 assignments, state that inmates on work assignment are prohibited from bringing outside
22 food into the DOC facility. (*Id.* at 13-14 (¶ 5) (citing Exhibits A and B).)

1 (7) Camacho was never previously cited for bringing in outside food prior to having his work
2 assignment terminated. (*Id.* at 14 (¶ 5).)

3 (8) Camacho has witnessed officers share their food with inmates as “incentive for the hard
4 work they do” (*id.* (¶ 6)) and otherwise fail to discipline inmates who “had multiple
5 incidents more severe than [Camacho’s] offense” (*id.* (¶ 7)).

6 Based on these facts, Camacho asserts that Acting Director Seman’s decision to terminate
7 Camacho’s work assignment, purportedly over Camacho’s bringing outside food into the DOC
8 facility (*see id.* at 15 (¶ 9) (contending the decision “is not based on the actual probable cause of
9 [Camacho’s] action”)), was discriminatory, unfair, and biased in violation of the Equal Protection
10 and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution. (*Id.* at 2-3; *id.* at
11 14-15 (¶¶ 8, 10).) Camacho also alleges that he has suffered “mental and emotional distress caused
12 by denial of procedural due process” requiring psychiatric attention (Compl. 5) and seeks an
13 injunction against DOC’s “practice of discrimination and unfair treatment,” reinstatement to his
14 work assignment, and appointment of counsel (*id.* at 16).

15 III. LEGAL STANDARD

16 Camacho’s Complaint is one “in which a prisoner seeks redress from a governmental entity
17 or officer or employee of a governmental entity”; as such, the Court is required to screen his
18 Complaint. 28 U.S.C. § 1915A(a). The Court must dismiss the Complaint if it is “frivolous,
19 malicious, or fails to state a claim upon which relief may be granted” or “seeks monetary relief
20 from a defendant who is immune from such relief.” *Id.* § 1915A(b).

21 “Under [28 U.S.C.] § 1915A, when determining whether a complaint states a claim, a court
22 must accept as true all allegations of material fact and must construe those facts in the light most
23 favorable to the plaintiff.” *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). A complaint
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1 survives dismissal “only if, taking all well-pleaded factual allegations as true, it contains enough
2 facts to ‘state a claim to relief that is plausible on its face.’” *Hebbe v. Pliler*, 627 F.3d 338, 341-
3 42 (9th Cir. 2010) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)); *see also Wilhelm v.*
4 *Rotman*, 680 F.3d 1113, 1122 (9th Cir. 2012) (“Failure to state a claim under § 1915A incorporates
5 the familiar standard applied in the context of failure to state a claim under Federal Rule of Civil
6 Procedure 12(b)(6).”). A claim is “plausible on its face” where there is sufficient “factual content
7 that allows the court to draw the reasonable inference that the defendant is liable for the misconduct
8 alleged.” *Iqbal*, 556 U.S. at 678. “[D]etailed factual allegations” are not required; however, a
9 plaintiff must plead “more than an unadorned, the defendant-unlawfully-harmed-me accusation.”
10 *Id.* (rejecting “formulaic recitation of the elements of a cause of action” or “naked assertions devoid
11 of further factual enhancement” (internal quotation marks and brackets omitted)).

12 As Camacho is proceeding *pro se*, his Complaint “must be held to less stringent standards
13 than formal pleadings drafted by lawyers[.]” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting
14 *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). Furthermore, as Camacho raises a civil rights claim,
15 the Court has an obligation “to construe the pleadings liberally and to afford [him] the benefit of
16 any doubt.” *Hebbe*, 927 F.3d at 342 (quoting *Bretz v. Kelman*, 773 F.2d 1026, 1027 n.1 (9th Cir.
17 1985)). The Court, however, will not “accept any unreasonable inferences or assume the truth of
18 legal conclusions cast in the form of factual allegations,” *Ileto v. Glock Inc.*, 349 F.3d 1191, 1200
19 (9th Cir. 2003), and “may not supply essential elements of the claim that were not initially pled,”
20 *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). “Vague and conclusory
21 allegations of official participation in civil rights violations are not sufficient to [survive
22 dismissal].” *Id.*

IV. DISCUSSION

Camacho's Complaint does not seek "monetary relief" against any of the Defendants. 28 U.S.C. § 1915A(b)(2). Nor does Camacho's Complaint appear to be brought for "frivolous" or "malicious" purposes. *Id.* § 1915A(b)(1). Rather, Camacho seeks injunctive relief for the reinstatement of his work assignment. (Compl. 5, 16.) Therefore, the Court must examine whether Camacho's Complaint "fails to state a claim upon which relief may be granted." *Id.*

To state a claim under 42 U.S.C. § 1983, Camacho must allege that "(1) a person acting under color of State law; (2) subjects or causes to be subjected to deprivation; (3) a U.S. citizen or person in the jurisdiction of the United States; (4) of a right, privilege, or immunity secured by the [U.S.] Constitution and laws." *Chaudhry v. Aragón*, 68 F.4th 1161, 1169 (9th Cir. 2023); *see also Temengil v. Trust Terr. of Pac. Islands*, 881 F.2d 647, 651 (9th Cir. 1989) ("Sections 1981 and 1983 of Title 42 of the United States Code were made applicable to the Northern Mariana Islands through section 502 of the Covenant."). Here, Camacho complains that his "right[s] . . . secured by the Constitution" that Defendants violated, *Chaudhry*, 68 F.4th at 1169, arise under the Equal Protection and Due Process Clauses of the Fourteenth Amendment. (Compl. 2-3; *id.* at 14-15.) As such, the Court now turns to whether Camacho states a claim under each specific clause of the Fourteenth Amendment.

A. Equal Protection Clause

"The Equal Protection Clause requires the State to treat all similarly situated people equally. This does not mean, however, that all prisoners must receive identical treatment and resources." *Harmann v. Cal. Dep't of Corrs. & Rehab.*, 707 F.3d 1114, 1123 (9th Cir. 2013) (citations omitted); *see also Personnel Adm'r of Mass. v. Feeney*, 442 U.S. 256, 273 (1979) (noting

1 “the settled rule that the Fourteenth Amendment guarantees equal laws, not equal results”). The
2 Ninth Circuit has explained:

3 To state a § 1983 claim for violation of the Equal Protection Clause
4 a plaintiff must show that the defendants acted with an intent or
5 purpose to discriminate against the plaintiff based upon membership
6 in a protected class. The first step in equal protection analysis is to
7 identify the defendants’ asserted classification of groups. The
8 groups must be comprised of similarly situated persons so that the
9 factor motivating the alleged discrimination can be identified. An
10 equal protection claim will not lie by conflating all persons not
11 injured into a preferred class receiving better treatment than the
12 plaintiff.

13 *Thornton v. City of St. Helens*, 425 F.3d 1158, 1166-67 (9th Cir. 2005) (internal citations, quotation
14 marks, and brackets omitted); *see also Griffin v. Cnty. Sch. Bd. of Prince Edward Cnty.*, 377 U.S.
15 218, 230 (1964) (“Indeed, showing that different persons are treated differently is not enough,
16 without more, to show a denial of equal protection.”).

17 Here, Camacho’s allegations fail to state a claim for violation of the Equal Protection
18 Clause because his allegations contain no factual material showing that Defendants’ actions against
19 him were based on Camacho’s being a member in a “protected class.” *Thornton*, 425 F.3d at 1166.
20 Though Camacho alleges that he was unfairly disciplined by Acting Director Seman, Camacho’s
21 assertions of unfairness or unequal treatment appear to be based on his status as an inmate with an
22 out-of-facility work assignment or his light—or lack of a—disciplinary record as compared to
23 other inmates who DOC officers favored or excused from discipline. Such statuses, characteristics,
24 or traits do not create membership in a “protected class.” *See City of Cleburne v. Cleburne Living*
Ctr., 473 U.S. 432, 440 (1985) (classifications based on race, alienage, national origin, and gender
are suspect under the Equal Protection Clause); *Rodriguez v. Cook*, 169 F.3d 1176, 1179 (9th Cir.
1999) (noting that prisoners, and indigent prisoners, are not a suspect class). Furthermore,
Camacho’s speculation as to the real reasons animating Acting Director Seman’s decision to

1 confiscate the outside food and terminate Camacho’s work assignment—notwithstanding that
 2 Acting Director Seman’s “pride” or need to save face (*see* Compl. 13, 15 (¶¶ 5, 9, 10, 11)) are not
 3 a discriminatory motives based on Camacho’s membership in a “protected class”—fails to meet
 4 his burden to plead more than “naked assertions devoid of further factual enhancement,” *Iqbal*,
 5 556 U.S. at 678, that are “[v]ague and conclusory” and cannot be credited by the Court, *Ivey*, 673
 6 F.2d at 268. Therefore, any claim under the Equal Protection Clause must be dismissed. 28 U.S.C.
 7 § 1915A(b)(1).

8 **B. Due Process Clause**

9 To state a claim under the Due Process Clause, Camacho must allege that (1) Defendants
 10 violated one of his rights as specifically defined in, and protected by, the Bill of Rights;
 11 (2) Defendants committed an “arbitrary, wrongful government action[] regardless of the fairness
 12 of the procedures used to implement them”; or (3) Defendants deprived him of a “constitutionally
 13 protected interest in life, liberty, or property . . . without due process of law.” *Zinerman v. Burch*,
 14 494 U.S. 113, 125 (1990) (internal quotation marks and emphasis omitted). Camacho’s allegations
 15 fall short of stating a claim in any of these three possible avenues.

16 As to the first avenue—violation of a right defined in the Bill of Rights—Camacho fails to
 17 state a claim because his allegations do not indicate that Defendants deprived him of a right
 18 identified in, and protected by, the Bill of Rights.

19 Nor does Camacho state a claim under the second or third avenues. *See also Sierra Lake*
 20 *Rsrv. v. City of Rocklin*, 938 F.2d 951, 957 (9th Cir. 1991) (explaining that “a claim for violation
 21 of substantive due process” merges with “a claim for violation of procedural due process” where
 22 action complained of is an official’s “arbitrary action”), *vacated on other grounds*, 506 U.S. 802
 23 (1992), *re-adopted on remand in relevant part*, 987 F.2d 662, 663 (9th Cir. 1993). First, Camacho’s
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1 allegations fail to show that he was deprived of a constitutionally protected interest because “the
2 Due Process Clause of the Fourteenth Amendment does not create a property or liberty interest in
3 prison employment[.]”¹ *Walker v. Gomez*, 370 F.3d 969, 973 (9th Cir. 2004) (internal quotation
4 marks omitted). Second, the Supreme Court has explained that an inmate does not have a
5 cognizable claim where the inmate is not subject to discipline that “exceed[s] [the inmate’s]
6 sentence in such an unexpected manner as to give rise to protection by the Due Process Clause of
7 its own force” or otherwise “imposes atypical and significant hardship on the inmate in relation to
8 the ordinary incidents of prison life.” *Sandin v. Conner*, 515 U.S. 472, 484 (1995). Camacho’s
9 mere loss of the privilege of out-of-facility work assignments, without more, falls short of a
10 punitive action that would give rise to a claim under the Due Process Clause. *See Ramirez v.*
11 *Galaza*, 334 F.3d 850, 861 (9th Cir. 2003) (evaluating whether prison hardship is “atypical and
12 significant” under three considerations suggesting in *Sandin*, 515 U.S. at 486-87: (1) whether the
13 condition imposing hardship fell within “the prison’s discretionary authority,” (2) the “duration of
14 the condition, and the degree of restraint imposed,” and (3) “whether the state’s action will
15 invariably affect the duration of the prisoner’s sentence”); *see also Sandin*, 515 U.S. at 484
16 (rejecting argument that “any state action taken for a punitive reason encroaches upon a liberty
17 interest under the Due Process Clause”).

21 ¹ Camacho indicates that he exhausted the administrative remedies within the DOC through the filing of a
22 grievance. (*See* Compl. 7-8.) It is unclear what was the final result, if any, of his grievance filing—and
23 whether Acting Director Seman’s February 19, 2025, interview of Camacho about the discipline imposed
24 the previous week, including the representation that Commissioner Torres was aware of the discipline (*see*
id. at 12 (¶ 3)), was part of the grievance procedure. Insofar Camacho also complains about the DOC’s
grievance procedure or lack thereof, such complaints fail to state a claim “because inmates lack a separate
constitutional entitlement to a specific prison grievance procedure.” *Ramirez v. Galaza*, 334 F.3d 850, 860
(9th Cir. 2003).

1 Therefore, as Camacho fails to state a Due Process Clause claim under any of the three
2 avenues for setting forth a claim, any claim under the Due Process Clause must also be dismissed.
3 28 U.S.C. § 1915A(b)(1).

4 **C. Leave to Amend**

5 “[I]n dismissals for failure to state a claim, a district court should grant leave to amend
6 even if no request to amend the pleading was made, unless it determines that the pleading could
7 not possibly be cured by the allegation of other facts.” *Cook, Perkiss & Liehe, Inc. v. N. Cal.*
8 *Collection Serv. Inc.*, 911 F.2d 242, 247 (9th Cir. 1990); *see also Lopez v. Smith*, 203 F.3d 1122,
9 1130-31 (9th Cir. 2000) (holding dismissal of *pro se* complaint without leave to amend was abuse
10 of discretion where there was no finding that “the pleading could not be cured by the allegation of
11 other facts” and contrary to longstanding precedent favoring leniency for self-represented
12 litigants).

13 Here, the Court finds that the defects in Camacho’s Complaint may “possibly be cured by
14 the allegation of other facts,” *Cook, Perkiss & Liehe, Inc.*, 911 F.2d at 247, only as to his claim for
15 a violation of the Equal Protection Clause. Additional factual allegations about the reasons
16 underlying Acting Director Seman’s decision to terminate Camacho’s work assignment and failure
17 to discipline other inmates could possibly give rise to an inference that Acting Director Seman
18 impermissibly disciplined Camacho based on a protected characteristic instead of the reasons
19 Camacho currently asserts are pretextual. Camacho’s claim for a violation of the Due Process
20 Clause, however, cannot “be cured by the allegation of other facts,” *Lopez*, 203 F.3d at 1130,
21 because no additional facts would transform the termination of his work assignment into an
22 “atypical and significant hardship on [Camacho] in relation to the ordinary incidents of prison
23 life,” *Sandin*, 515 U.S. at 484. Therefore, the Court’s dismissal here will be with leave for
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1 Camacho to amend his Complaint and submit a first amended complaint. **Camacho must comply**
2 **with the requirements set forth below when filing any first amended complaint. Failure to**
3 **do so may result in dismissal with prejudice of this action.**

4 **D. Appointment of Counsel**

5 Camacho seeks the appointment of counsel to represent him in this civil action.
6 (Compl. 16.) “Generally, a person has no right to counsel in civil actions. However, a court may
7 under ‘exceptional circumstances’ appoint counsel for indigent civil litigants pursuant to 28 U.S.C.
8 § 1915(e)(1).” *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (citations omitted).
9 “Exceptional circumstances” exist—and appointment of counsel is appropriate—where “there is
10 a likelihood of success on the merits” and “the prisoner is unable to articulate his claims in light
11 of the complexity of the legal issues involved.” *Cano v. Taylor*, 739 F.3d 1214, 1218 (9th Cir.
12 2014); *see also Palmer*, 560 F.3d at 970 (“Neither of these considerations is dispositive and instead
13 must be viewed together.”).

14 Here, the Court finds that (1) Camacho has some chance at success on the merits of his
15 remaining claim if his amended complaint passes screening; (2) the remaining claim rests on a
16 straightforward application of the Equal Protection Clause; and (3) Camacho has been able to
17 articulate clearly his claims, the factual matters underpinning his claims, and the relief he seeks
18 through his written pleadings. Camacho has not otherwise described any conditions that would
19 rise to the level of “exceptional circumstances.” As such, the Court exercises its discretion and
20 declines to appoint counsel for Camacho. *Palmer*, 560 F.3d at 970 (decision to appoint counsel is
21 discretionary).

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V. CONCLUSION

For the reasons set forth above, the Court concludes that Camacho's Complaint for injunctive relief fails to state a claim for violation of both the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Accordingly,

(1) Plaintiff Anthony M. Camacho's Application (ECF No. 1) is GRANTED.

(2) Plaintiff Anthony M. Camacho's Complaint (ECF No. 2) is DISMISSED for failure to state a claim upon which relief may be granted, to wit:

a. The 42 U.S.C. § 1983 claim for violation of the Equal Protection Clause of the Fourteenth Amendment is DISMISSED but WITH LEAVE TO AMEND; and

b. The 42 U.S.C. § 1983 claim for violation of the Due Process Clause of the Fourteenth Amendment is DISMISSED WITH PREJUDICE and WITHOUT LEAVE TO AMEND.

(3) Plaintiff Anthony M. Camacho's request for appointment of counsel is DENIED;

(4) Insofar as Camacho may wish to file a first amended complaint, Camacho must comply with the following requirements:

a. The first amended complaint must contain sufficient facts regarding only the 42 U.S.C. § 1983 claim for violation of the Equal Protection Clause. The Court will not consider any attempt to re-raise the 42 U.S.C. § 1983 claim for violation of the Due Process Clause.

b. The first amended complaint and any attachments must be deposited with the internal mail system of the institution at which he is held on or before **July 30, 2026**.

1 (5) Camacho is notified that **failure to comply with the terms of this order may result in**
2 **dismissal with prejudice of this matter.**

3 (6) The Clerk is directed to mail a copy of this order to Camacho.

4 IT IS SO ORDERED this 30th day of June, 2026.

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7 RAMONA V. MANGLONA
8 Chief Judge
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