

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Rafael Soto v. Jack Johnson and Twin Falls County Adult Detention Center

Soto v. Johnson · No. 1:25-cv-00493-BLW · Decided April 3, 2026

SUMMARY

The United States District Court for the District of Idaho screened Rafael Soto’s amended prisoner civil rights complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A. The court held that the allegations concerning pork-free meals did not plausibly establish violations of the First Amendment’s Free Exercise Clause or the Fourteenth Amendment’s Equal Protection Clause. The court denied appointment of counsel and dismissed the case with prejudice without further leave to amend.

CASE DETAILS

COURT	United States District Court for the District of Idaho
WRITING FOR THE COURT	B. Lynn Winmill
JURISDICTION	United States District Court for the District of Idaho
DECIDED	April 3, 2026
DOCKET	1:25-cv-00493-BLW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Successive screening review of a prisoner's amended civil-rights complaint under 28 U.S.C. §§ 1915(e)(2) and 1915A.
STANDARD OF REVIEW	The court reviewed the amended prisoner complaint under the screening standards of 28 U.S.C. §§ 1915(e)(2) and 1915A(b), accepting well-pleaded factual allegations as true and determining whether they plausibly stated a claim under Federal Rule of Civil Procedure 8(a)(2).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Rafael Soto v. Jack Johnson, Twin Falls County Adult Detention Center

TOPICS

- prisoners rights
- section 1983
- free exercise clause
- equal protection
- pleadings

PRACTICE AREAS

prisoner civil rights

constitutional law

federal civil procedure

pro se litigation

QUESTIONS PRESENTED

1. Whether appointment of counsel was warranted in this civil-rights action.
2. Whether the amended complaint plausibly stated a First Amendment free-exercise claim based on the possibility that Soto was served pork.
3. Whether the amended complaint plausibly stated a Fourteenth Amendment equal-protection claim.
4. Whether the amended complaint should be dismissed with prejudice after Soto failed to cure the deficiencies identified in the original complaint.

HOLDINGS

1. Appointment of counsel was not warranted because the case did not present exceptional circumstances, Soto had demonstrated an ability to articulate his claims, and the amended complaint did not show a likelihood of success on the merits.
2. The amended complaint was subject to dismissal because it failed to state a claim upon which relief could be granted under the screening statutes and Rule 8's plausibility standard.
3. The amended complaint did not plausibly state a free-exercise claim because Soto did not allege that avoiding pork was required by a religion or that the possibility of being served pork imposed a substantial burden on religious exercise.
4. The amended complaint did not plausibly state an equal-protection claim because it did not allege intentional and arbitrary discrimination.
5. Dismissal with prejudice and without further leave to amend was appropriate because Soto had already received an opportunity to amend and still failed to state a plausible claim.

KEY QUOTATIONS

“This is insufficient to support a reasonable inference that the possibility that Plaintiff might have been served pork on an unknown number of occasions constitutes a substantial burden on Plaintiff’s religious exercise.”
(at 3)

“Because Plaintiff has already been given the opportunity to amend and still has failed to state a plausible claim for relief, the Court will dismiss the Amended Complaint with prejudice and without further leave to amend.” (at 6)

FACTUAL BACKGROUND

Soto, a prisoner proceeding without counsel, alleged that officials at the Twin Falls County Jail failed to ensure that he would never be served pork. He asserted that this violated his First Amendment right to free exercise of religion and his Fourteenth Amendment right to equal protection. The amended complaint did not identify Soto's religion or allege that abstention from pork was a religious requirement, and it did not allege intentional and arbitrary discrimination.

PROCEDURAL HISTORY

The court previously screened Soto's original complaint, found that it failed to state a claim, and granted leave to amend. Soto filed an amended complaint and moved for appointment of counsel and review of the amended complaint. On successive review, the court denied appointment of counsel, granted review, dismissed the amended complaint with prejudice under 28 U.S.C. § 1915A(b)(1), and denied further leave to amend.

DISPOSITION

dismissed

CASES CITED

- *Lassiter v. Department of Social Services*, 452 U.S. 18, 25 (1981)
- *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)
- *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991)
- *Mallard v. U.S. District Court for the Southern District of Iowa*, 490 U.S. 296, 298 (1989)
- *Veenstra v. Idaho State Board of Correction*, Case No. 1:15-cv-00270-EJL (D. Idaho May 4, 2017)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991)
- *Hernandez v. Commissioner*, 490 U.S. 680, 699 (1989)
- *Rapier v. Harris*, 172 F.3d 999, 1006 n.4 (7th Cir. 1999)
- *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curiam)
- *Ivey v. Board of Regents of University of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Knapp v. Hogan*, 738 F.3d 1106, 1110 (9th Cir. 2013)

OPINION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO RAFAEL SOTO, Case No. 1:25-cv-00493-BLW Plaintiff, SUCCESSIVE REVIEW ORDER v. BY SCREENING JUDGE JACK JOHNSON and TWIN FALLS COUNTY ADULT DETENTION CENTER, Defendants. Plaintiff Rafael Soto is a prisoner proceeding pro se in this civil rights action.

The Court previously reviewed Plaintiff's complaint pursuant to 28 U.S.C. § 1915A, determined that it failed to state a claim upon which relief could be granted, and allowed Plaintiff an opportunity to amend. See Initial Review Order, Dkt. 8. Plaintiff has now filed an Amended Complaint. Dkt. 10.

The Court retains its screening authority pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b). Having reviewed the Amended Complaint, the Court concludes that Plaintiff has failed to remedy the deficiencies in the initial complaint, and the Court will dismiss this case pursuant to 28 U.S.C.

§§ 1915 and 1915A. 1. Motion for Appointment of Counsel Plaintiff seeks appointment of counsel.

Dkt. 11. Unlike criminal defendants, prisoners and indigents in civil actions have no constitutional right to counsel unless their physical liberty is at stake. *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981). Whether a court appoints counsel for indigent litigants is within the court's discretion. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.

1986). In civil cases, counsel should be appointed only in "exceptional circumstances." *Id.* To determine whether exceptional circumstances exist, the court should evaluate two factors: (1) the likelihood of success on the merits of the case, and (2) the ability of the plaintiff to articulate the claims pro se in light of the complexity of legal issues involved.

Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991). Neither factor is dispositive, and both must be evaluated together. *Id.* Further, an attorney cannot be forced to represent an indigent litigant in a civil case—rather, the attorney can only be "appointed" if she voluntarily accepts the appointment. See *Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296, 298 (1989) (holding that the appointment of counsel provision in § 1915, formerly found in subsection (d), does not "authorize[] a federal court to require an unwilling attorney to represent an indigent litigant in a civil case"); *Veenstra v. Idaho State Bd. of Corr.*, Case No. 1:15-cv-00270-EJL (D.

Idaho May 4, 2017) ("[The Court] does not have inherent authority to compel an attorney to represent Plaintiffs pro bono."). The legal issues in this matter are not complex, and Plaintiff has been able to file documents with the Court and protect Plaintiff's interests to date.

In addition, as explained below, the Amended Complaint fails to state a claim upon which relief may be granted; therefore, Plaintiff does not have a likelihood of success on the merits. Accordingly, the Court will deny Plaintiff's Motion for Appointment of Counsel. 2. Screening Requirement and Pleading Standard The Court must dismiss a prisoner or in forma pauperis complaint—or any portion thereof—that states a frivolous or malicious claim, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.

28 U.S.C. §§ 1915(e)(2) & 1915A(b). 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). A complaint fails to state a claim for relief under Rule 8 if the factual assertions in the complaint, taken as true, are insufficient for the reviewing court plausibly "to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). "[D]etailed factual allegations" are not required, but a plaintiff must offer "more than... unadorned, the-defendant-unlawfully-harmed-me accusation[s]." *Id.* (internal quotation marks omitted).

If the facts pleaded are “merely consistent with a defendant’s liability,” the complaint has not stated a claim for relief that is plausible on its face. *Id.* (internal quotation marks omitted). 3. Discussion Plaintiff brings claims under 42 U.S.C. § 1983, the civil rights statute.

To state a plausible civil rights claim, a plaintiff must allege a violation of rights protected by the Constitution or created by federal statute proximately caused by conduct of a person acting under color of state law. *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Plaintiff alleges that the failure of Defendants to ensure he never had to eat pork while he was detained in the Twin Falls County Jail violated his First Amendment right to free exercise of religion and his Fourteenth Amendment right to equal protection.

Am. Compl. at 3. Like the initial complaint, the Amended Complaint does not include any allegations about Plaintiff’s religion or its requirement that he refrain from eating pork. Plaintiff simply states that he does not eat pork. This is insufficient to support a reasonable inference that the possibility that Plaintiff might have been served pork on an unknown number of occasions constitutes a substantial burden on Plaintiff’s religious exercise.

See *Hernandez v. Comm’r*, 490 U.S. 680, 699 (1989) (“The free exercise inquiry asks whether government has placed a substantial burden on the observation of a central religious belief or practice and, if so, whether a compelling governmental interest justifies the burden.”); *Rapier v. Harris*, 172 F.3d 999, 1006 n.4 (7th Cir. 1999) (holding that the unavailability of a non-pork tray for inmate at 3 meals out of 810 does not constitute more than a de minimis burden on inmate’s free exercise of religion).

As for Plaintiff’s equal protection claims, the Amended Complaint does not plausibly allege that Defendants subjected Plaintiff to “intentional and arbitrary discrimination.” *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (per curiam).

The Amended Complaint contains only “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements.” *Iqbal*, 556 U.S. at 678. Thus, the Court need not accept these recitals as true under Rule 8 or § 1915A.

Accordingly, the Amended Complaint is subject to dismissal for failure to state a claim upon which relief may be granted. 4. Conclusion Although pro se pleadings must be liberally construed, “a liberal interpretation of a civil rights complaint may not supply essential elements of the claim that were not initially pled.” *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). Because Plaintiff has already been given the opportunity to amend and still has failed to state a plausible claim for relief, the Court will dismiss the Amended Complaint with prejudice and without further leave to amend. See *Knapp v. Hogan*, 738 F.3d 1106, 1110 (9th Cir. 2013) (“When a litigant knowingly and repeatedly refuses to conform his pleadings to the requirements of the Federal Rules, it is reasonable to conclude that the litigant simply cannot state a claim.”).

ORDER IT IS ORDERED: 1. Plaintiff's Motion for Appointment of Counsel (Dkt. 11) is DENIED. 2. Plaintiff's Motion to Review the Amended Complaint (Dkt. 9) is GRANTED. 3. The Amended Complaint fails to state a claim upon which relief may be granted.

Therefore, for the reasons stated in this Order and the Initial Review Order (Dkt. 8), this entire case is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Roo U 5 Dintrict Cour Judge SUCCESSIVE REVIEW ORDER BY SCREENING JUDGE - 6