

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, EL PASO DIVISION

Mark Hilal v. Enrique D. Mendoza, R. Michael Martinez, City of El Paso, Phoenix Security LLC, Redcap Staffing Agency, and Franklin Construction Limited

Hilal · No. EP-25-cv-00444-KC-RFC · Decided December 16, 2025

SUMMARY

The court grants Mark Hilal’s motion to proceed in forma pauperis and recommends dismissal of his 42 U.S.C. § 1983 claims with prejudice as frivolous. The recommendation rests on the conclusion that crime victims have no constitutionally protected right to a criminal investigation or prosecution. The court also recommends dismissal without prejudice of the remaining state-law claims for lack of subject-matter jurisdiction because the federal claims do not provide a jurisdictional anchor.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, El Paso Division
WRITING FOR THE COURT	Robert F. Castaneda
JURISDICTION	United States District Court for the Western District of Texas, El Paso Division
DECIDED	December 16, 2025
DOCKET	EP-25-cv-00444-KC-RFC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis and submitted a complaint asserting 42 U.S.C. § 1983 claims and state-law claims. The magistrate judge granted in forma pauperis status and issued a report and recommendation that the § 1983 claims be dismissed with prejudice as frivolous and the remaining state-law claims be dismissed without prejudice for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	For purposes of screening an in forma pauperis complaint, the court assumed the truth of the factual allegations and considered whether the claims were frivolous, failed to state a claim, or sought relief from an immune defendant. Subject-matter jurisdiction was considered under

	Federal Rule of Civil Procedure 12(h)(3), which requires dismissal whenever the court determines that jurisdiction is lacking.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mark Hilal v. Enrique D. Mendoza, R. Michael Martinez, City of El Paso, Phoenix Security LLC, Redcap Staffing Agency, Franklin Construction Limited

TOPICS

section 1983 subject matter jurisdiction civil rights due process equal protection

PRACTICE AREAS

civil rights civil procedure federal jurisdiction

QUESTIONS PRESENTED

1. Whether Hilal qualified to proceed in forma pauperis based on his financial circumstances.
2. Whether the § 1983 claims were frivolous because the Constitution does not confer a private citizen with a right to have an alleged crime investigated or prosecuted.
3. Whether the court had supplemental jurisdiction over the state-law claims after the federal § 1983 claims were subject to dismissal.

HOLDINGS

1. The court granted Hilal's motion to proceed in forma pauperis because his income, assets, and financial circumstances showed that he lacked sufficient resources to pay the filing costs.
2. The court concluded that the § 1983 claims were frivolous because a private citizen has no constitutionally protected right to have an alleged wrongdoer criminally investigated or prosecuted.
3. The court concluded that it lacked subject-matter jurisdiction over Hilal's remaining state-law claims because dismissal of the § 1983 claims left no federal jurisdictional anchor and no alternative basis for federal jurisdiction was alleged.

KEY QUOTATIONS

“The Supreme Court has long held that there is no “judicially cognizable interest in the prosecution or nonprosecution of another.”” (Discussion § B)

“Thus, Plaintiff claims a constitutional violation that does not exist as a matter of law.” (Discussion § B)

FACTUAL BACKGROUND

Hilal alleged that on October 4, 2023, someone stole his replacement U.S. Naturalization Certificate and other identification documents. He claimed that Officer Enrique Mendoza misclassified the theft, Detective R. Michael Martinez failed to reclassify it or conduct a good-faith investigation, and the City of El Paso maintained

policies or customs that caused the alleged constitutional violations. He also asserted negligence, retaliation and interference-with-justice, and intentional-infliction-of-emotional-distress claims against private and governmental defendants.

PROCEDURAL HISTORY

Hilal filed the action and an application to proceed in forma pauperis on October 3, 2025. The case was assigned to District Judge Kathleen Cardone, who referred the motion to Magistrate Judge Robert F. Castaneda. The magistrate judge granted the motion, ordered the complaint and civil cover sheet docketed, declined to order service, and recommended dismissal of the federal and state claims.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 324-25 (1989)
- Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 342-43 (1948)
- Berry v. Brady, 192 F.3d 504, 507 (5th Cir. 1999)
- Harper v. Showers, 174 F.3d 716, 718 (5th Cir. 1999)
- Bradley v. Puckett, 157 F.3d 1022, 1025 (5th Cir. 1998)
- Ashe v. Corley, 992 F.2d 540, 544 (5th Cir. 1993)
- Ramirez v. Escajeda, 298 F. Supp. 3d 933, 941 (W.D. Tex. 2018)
- Albright v. Oliver, 510 U.S. 266, 271 (1994)
- Baker v. McCollan, 443 U.S. 137, 144 n.3 (1979)
- Whitley v. Hanna, 726 F.3d 631, 638 (5th Cir. 2013)
- James v. Tex. Collin Cnty., 535 F.3d 365, 373 (5th Cir. 2008)
- Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973)
- Rivens-Baker v. Riley, No. SA-22-CV-01167-OLG, 2024 WL 1173045, at *7 (W.D. Tex. Feb. 15, 2024)
- Merritt v. City of Ennis, No. Civ.A.3:04CV2606-G, 2005 WL 440408, at *3 (N.D. Tex. Feb. 24, 2005)
- Home Builders Ass’n of Miss., Inc. v. City of Madison, Miss., 143 F.3d 1006, 1010 (5th Cir. 1998)
- Nowak v. Ironworkers Loc. 6 Pension Fund, 81 F.3d 1182, 1187 (2d Cir. 1996)
- Harrison v. Reid, No. 1:23-CV-01316-RP-SH, 2023 WL 8792169, at *1 (W.D. Tex. Dec. 19, 2023)