

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

BO SHANG,

Plaintiff,

v.

THE COMMONWEALTH OF MASSACHUSETTS (Including the Massachusetts Department of Mental Health),

Defendant.

Case No.: _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, DAMAGES,

AND EMERGENCY REQUEST FOR TEMPORARY RESTRAINING ORDER

AND PRELIMINARY INJUNCTION

Plaintiff, Bo Shang (pro se), by and through this Complaint, alleges as follows against Defendant, the Commonwealth of Massachusetts (“the Commonwealth”), including its Department of Mental Health (“DMH”), and respectfully seeks emergency injunctive relief to prevent further abuses:

I. INTRODUCTION

1. This action arises from allegations that the Defendant’s DMH, while publicly presented as a purely therapeutic agency, has in fact engaged in punitive and abusive practices toward Plaintiff and others. DMH representatives and staff have allegedly lied pathologically and repeatedly about Plaintiff’s purported self-harm, which was in fact caused or exacerbated by DMH’s malpractice and misconduct.

2. Plaintiff was allegedly illegally confined at Tewksbury Hospital from October 2020 to September 2021—approximately eleven months—during which DMH staff misrepresented Plaintiff’s condition as self-inflicted harm. In reality, Plaintiff asserts these harms stemmed from negligent or intentionally harmful treatment, violating his constitutional and statutory rights.

3. In addition to seeking permanent injunctive relief and damages, Plaintiff requests an immediate Temporary Restraining Order (TRO) and Preliminary Injunction under Rule 65 of the Federal Rules of Civil Procedure to halt any ongoing or threatened harm, ensure transparency in medical-records handling, and protect his First Amendment freedoms.

4. Plaintiff alleges that DMH's systemic lack of transparency reflects a broader pattern of fraud, illustrated by a two-month delay in providing his medical records. This tactic was allegedly designed to conceal malpractice and sustain a false narrative about Plaintiff's condition.

5. Plaintiff further alleges that in September 2024, Probation Officer Colleen Madigan—whom Plaintiff calls a “DMH believer”—made false statements about Plaintiff's actions to punish him for exercising or attempting to exercise First Amendment rights. This conduct, according to Plaintiff, exemplifies DMH's improper influence over allied officials.

6. Critically, Plaintiff asserts that he is capable of and prepared to “weaponize computer code” in self-defense if the courts fail to protect him and others from DMH's and the State's alleged deceptions. He characterizes this measure not as an offensive attack but as a last-resort digital strategy to expose or counter DMH's fraud, given the lack of meaningful administrative remedies.

7. Inspired by Rosa Parks, Plaintiff staged a peaceful protest in October 2024 at Worcester Recovery, standing in an area where he was supposedly allowed to stand while still being illegally incarcerated. As Plaintiff had anticipated, DMH staff allegedly assaulted and battered him in response to his protest—yet, after committing that assault, DMH “caved fully” to Plaintiff's demands.

II. JURISDICTION AND VENUE

8. Subject-Matter Jurisdiction: This Court has jurisdiction under 28 U.S.C. § 1331, as the claims arise under the United States Constitution and 42 U.S.C. § 1983.

9. Venue: Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events or omissions giving rise to Plaintiff's claims occurred in the Commonwealth of Massachusetts, and Defendant is located in this District.

III. PARTIES

10. Plaintiff: Bo Shang is an individual residing in the Commonwealth of Massachusetts (or specify a different address if applicable). He alleges direct harm from Defendant's wrongful conduct, misrepresentations, illegal confinement, and potential ongoing abuses.

11. Defendant: The Commonwealth of Massachusetts, including its Department of Mental Health (“DMH”). DMH oversees mental health services throughout Massachusetts. Plaintiff contends DMH staff, policies, and affiliates have engaged in punitive, deceptive, and retaliatory tactics well beyond any legitimate therapeutic purpose.

IV. FACTUAL ALLEGATIONS

A. DMH's Public Representations vs. Actual Practices

12. DMH publicly states its role is to care for and treat individuals with mental health needs, not punish them. Plaintiff, however, alleges that DMH staff, particularly at Tewksbury Hospital and Worcester Recovery, engaged in punitive rather than therapeutic measures.

B. Illegal Eleven-Month Confinement at Tewksbury Hospital

13. From October 2020 through September 2021, Plaintiff was confined at Tewksbury Hospital under DMH's direction or supervision. Plaintiff contends this confinement was illegal, exceeding any lawful justification, resulting in serious emotional, mental, and physical harm.

C. Pathological Lies About Self-Harm

14. DMH staff falsely attributed Plaintiff's injuries to self-harm, while Plaintiff maintains these injuries were caused or substantially worsened by negligent or intentionally harmful DMH practices.

15. By misrepresenting the true cause of these injuries, DMH allegedly concealed staff wrongdoing and prolonged Plaintiff's wrongful confinement.

D. Punitive and Abusive Measures

16. Plaintiff alleges DMH staff used tactics that lacked valid therapeutic purpose, including:

- Excessive or arbitrary use of restraints and seclusion,
- Restrictive controls on Plaintiff's freedoms beyond legitimate clinical needs,
- Negligent or harmful medical treatment subsequently misclassified as self-inflicted harm.

17. These alleged measures caused Plaintiff severe distress and contravened his constitutional and human rights.

E. Systemic Fraud and Obstruction in Providing Medical Records

18. Plaintiff describes DMH as systemically fraudulent, citing a two-month delay in obtaining his own medical records—an intentional maneuver, according to Plaintiff, to hide malpractice and factual inconsistencies regarding his care.

F. False Statements by Probation Officer Colleen Madigan (September 2024)

19. In or around September 2024, Probation Officer Colleen Madigan—described by Plaintiff as a “DMH believer”—made false statements about Plaintiff's actions, allegedly to retaliate against him for engaging in protected First Amendment activities.

20. Plaintiff contends these falsehoods served DMH's broader agenda, enabling officials to penalize him further under the guise of mental health or criminal-justice authority.

G. Threat to "Weaponize Computer Code" in Self-Defense

21. Plaintiff further asserts that—due to the extreme deceit by DMH—he feels compelled to "weaponize computer code" as a form of self-defense if no effective legal remedy is provided. He characterizes this approach as a digital or technological strategy to expose DMH's wrongdoing, not an offensive attack.

H. October 2024 Peaceful Protest at Worcester Recovery

22. Inspired by Rosa Parks, Plaintiff staged a peaceful protest in October 2024 while allegedly illegally incarcerated at Worcester Recovery. He stood in a place he was allowed to stand, symbolically refusing to acquiesce to DMH's authority.

23. As Plaintiff anticipated, DMH staff responded to this protest by assaulting and battering him. After committing this act of violence, DMH "fully caved" to Plaintiff's demands—indicating that DMH recognized the untenability of its position or faced exposure of its misconduct.

I. Ongoing Harm

24. Plaintiff has not secured lasting relief through internal complaint channels. He continues to fear that DMH, its allies, and other state actors will persist in these coercive, deceitful, or punitive tactics. Should the courts fail to intervene, Plaintiff insists he may have no choice but to follow through on "weaponizing code" to protect his rights and the rights of others.

V. APPLICABLE CONSTITUTIONAL AND INTERNATIONAL LAW

1. United States Constitution

- First Amendment: Prohibits retaliation for free speech and the right to petition for redress (*Gitlow v. New York*, 268 U.S. 652 (1925)).
- Eighth Amendment: Bars cruel and unusual punishment, potentially applying to civil or mental-health confinements deemed punitive (*Estelle v. Gamble*, 429 U.S. 97 (1976)).
- Fourteenth Amendment: Secures due process and equal protection (*Youngberg v. Romeo*, 457 U.S. 307 (1982); *O'Connor v. Donaldson*, 422 U.S. 563 (1975)).

2. 42 U.S.C. § 1983

- Provides a civil cause of action for violations of constitutional rights by persons acting under color of state law (*Monroe v. Pape*, 365 U.S. 167 (1961)).

3. International Human Rights Instruments

- Universal Declaration of Human Rights (UDHR) (1948): Prohibits torture and arbitrary detention.
- International Covenant on Civil and Political Rights (ICCPR) (ratified by U.S. in 1992): Protects against cruel treatment and arbitrary detention.
- Convention Against Torture (CAT) (ratified by U.S. in 1994).

Although these instruments may not be self-executing in U.S. courts, they inform domestic legal principles and underscore the seriousness of allegations about inhumane or arbitrary treatment.

VI. CAUSES OF ACTION

COUNT I

(42 U.S.C. § 1983—Fourteenth Amendment: Due Process and Equal Protection)

25. Plaintiff re-alleges and incorporates by reference each and every preceding paragraph.

26. Acting under color of state law, Defendant caused or permitted Plaintiff's prolonged, illegal confinement and subjected him to punitive conditions without lawful due process, violating the Fourteenth Amendment.

27. Defendant's false allegations regarding self-harm, obstructed medical records, and failure to address staff misconduct also breached Plaintiff's right to fair process and personal liberty (*Youngberg v. Romeo*, *O'Connor v. Donaldson*).

COUNT II

(42 U.S.C. § 1983—Eighth Amendment/Cruel and Unusual Punishment)

28. Plaintiff incorporates by reference all preceding paragraphs.

29. Although classically tied to penal confinement, the Eighth Amendment's proscription against cruel and unusual punishment can apply to mental health settings where treatment morphs into punitive practices.

30. DMH's deliberate indifference to Plaintiff's wellbeing—through excessive restraints, inadequate care, and false accusations—constitutes de facto cruel and unusual punishment (*Estelle v. Gamble*, 429 U.S. 97 (1976)).

COUNT III

(42 U.S.C. § 1983—First Amendment Retaliation)

31. Plaintiff incorporates by reference all preceding paragraphs.

32. Plaintiff contends Probation Officer Colleen Madigan advanced false statements in September 2024 to punish him for or deter him from exercising constitutionally protected free speech rights.

33. Retaliation for the exercise of First Amendment freedoms is unconstitutional, actionable under 42 U.S.C. § 1983 (*Gitlow v. New York*, 268 U.S. 652 (1925)).

COUNT IV

(42 U.S.C. § 1983—Use of Excessive Force/Assault in Connection with Protest)

34. Plaintiff re-alleges and incorporates by reference each and every preceding paragraph.

35. In October 2024, while peacefully protesting at Worcester Recovery, Plaintiff was allegedly assaulted and battered by DMH staff in direct response to his non-violent demonstration—an action reminiscent of the civil disobedience historically exemplified by Rosa Parks.

36. This unjustified use of force constitutes excessive force under color of state law and violates Plaintiff's right to be free from bodily harm absent lawful justification, further actionable under 42 U.S.C. § 1983.

VII. EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

AND PRELIMINARY INJUNCTION

37. Plaintiff incorporates by reference all preceding paragraphs as though fully stated herein.

38. Rule 65, Fed. R. Civ. P. allows this Court to issue a TRO and a Preliminary Injunction to prevent ongoing or imminent harm to Plaintiff's constitutional rights.

39. Likelihood of Success on the Merits: If proven, the allegations—illegal confinement, retaliation for speech, obstructive recordkeeping, assault in response to peaceful protest—reflect clear violations of constitutional protections.

40. Irreparable Harm: Without an injunction, Plaintiff risks ongoing retaliatory or punitive measures, further false allegations, and additional physical harm. He also warns that lack of judicial protection may compel him to undertake “weaponizing computer code,” escalating the dispute.

41. Balance of Equities: The requested relief only requires DMH and associated state officials to adhere to constitutional standards—imposing no undue burden on legitimate mental health services.

42. Public Interest: Protecting constitutional and human rights, discouraging retaliatory violence, and preventing the need for extrajudicial “self-defense” strategies serve the broad public interest.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Issue a Temporary Restraining Order (TRO) immediately prohibiting DMH, its agents, or affiliated officials (including probation officers) from:

- Engaging in any punitive, retaliatory, or abusive measures against Plaintiff,
- Making or relying on false allegations of self-harm,
- Interfering with Plaintiff’s right to peaceful protest or First Amendment activity,
- Physically assaulting or battering Plaintiff, and
- Withholding or delaying access to Plaintiff’s medical records.

2. Set a Hearing for a Preliminary Injunction under Rule 65, extending these protections throughout the lawsuit and preventing further harm.

3. Enter a Declaratory Judgment that:

- DMH’s wrongful confinement practices violate the Fourteenth Amendment,
- DMH’s punitive treatment of Plaintiff violates the Eighth Amendment,
- Retaliatory actions, including false statements to penalize Plaintiff’s free speech, violate the First Amendment, and
- Assault or excessive force in response to lawful protest is unconstitutional under 42 U.S.C. § 1983.

4. Grant Permanent Injunctive Relief ordering DMH to:

- End any policies or customs that result in wrongful confinement or abusive treatment,
- Implement protocols ensuring prompt, transparent medical-records access,
- Provide safeguards against retaliation or violent repression of peaceful protest, and
- Ensure staff receive training to prevent violations of constitutional rights.

5. Award Compensatory Damages to compensate Plaintiff for emotional distress, mental anguish, reputational harm, physical injuries, and all other consequential damages arising from DMH's misconduct and assault.

6. Award Punitive Damages (if permissible by law) against DMH officials or employees who acted willfully, maliciously, or with reckless disregard for Plaintiff's constitutional rights, including those responsible for the alleged assault in October 2024.

7. Award Attorneys' Fees and Costs (if Plaintiff retains counsel or if otherwise permissible) under 42 U.S.C. § 1988 and any other applicable statutes.

8. Grant Such Other and Further Relief as the Court deems just and proper.

IX. JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

Date: _____

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EXHIBIT 1: While the Plaintiff accidentally deleted 1.5GB 4000 page PDF medical records from Tewksbury Hospital, here's the email chain behind the Plaintiff's ordeal at obtaining medical records, which was only accomplished 2 months after request after submitting an HSS complaint

[illegible]