

Bo Shang | bo@shang.software | 781-999-4101 | 10 McCafferty Way, Burlington MA 01803

Bo Shang vs Colleen Madigan

Initial Complaint (drafted 11/2

INTRODUCTION

1. The Plaintiff is an individual residing i of Massachusetts (MA henceforth)

2. The Defendant Colleen Madigan is a probation officer at the Woburn District Court of MA

11/18/2024





CAUSE OF ACTION

- 1. Federal Statute: 42 U.S. § 1983 (allows an individual to sue State actors for violations of Federa Constitutional rights in MA courts)
 - Civil action plant under 42 U.S.C. § 1983 are not protected by the Massac setts Tort Claims Act (MTCA)
 - Under 42 U.S.C. § 1983, a plaintiff may assert that a probation officer's actions, including misinterpreting a voicemail as a violation of pre-trial conditions and causing unwarranted detention, constituted a violation of constitutional rights.

Key Constitutional Violations

Fourteenth Amendment - Substantive and Procedural Due Process:

Substantive Due Process: Detaining someone without just cause, especially based on a significant reisunders of the regularity of the same based on a significant reisunders of the same based on the sam arbitrary deprivation of liberty. The probation officer's actions, if reckless or grossly negligent, may rise to this level.

Procedural Due Process: If the plaintiff was detained pour adequate notice or a meaningful opportunity to challenge the allegations a pre-trial violation, this could amount to a violation. Procedural protections must accompany any deprivation of liberty.

3. Eighth Amendment - Cruel and Unusual Punishment:

While the Eighth Amendment typically applies to post-conviction settings, prolonged and unjustified detention in harsh or inappropriate conditions (such as a DMH hospital without lead basis) may be framed as cruel treatment, particularly if the detention aused significant psychological harm. 0033

4. First Amendment - Right to Access the Courts:

- Being detained under conditions that prevent communication with the outside world or the ability to proceed with open civil actions of terfere with the right to access the courts. This is a recognized constitutional right under the First Amendment and due process clauses.

FACTS RELATING TO CAUSES OF COLOR

- 1. On 9/18/24, the Plaintiff was released with pre-trail conditions explained to him by both the Judge and Defendant. The pre-trial conditions included a "take all medications" clause. (Exhibit 0)
- 2. On 9/19/24 the Plaintiff's Primary Care Provider Dr. Wei Yang at Atrius Health in Burlington MA ceased all of the Plaintiff's medications including 50mg of Seroquel, a starter dose of an anti-psychotic.
- 3. On 9/25/24 the Plaint Pleft the Defendant a voicemail explaining that his Primary Care Provider cased all medications and that he has not spoken to his psychiatric nurse practitioner may prescribe something medically unnecessary and objectionable. The Plaintiff called the Defendant with questions of what WOULD happen IF the Plaintiff rejected objectionable medication, and THOUGHT any forced injections + forced-swallows MAY violate the Eighth Amendment, since the Defendant had NO COURT ORDER to force such a thing. The Plaintiff NEVER actually said or even HINTED that he would not follow either the medications clause or any other clause of his pre-trial conditions. (Exhibits 1 and 2)
- 4. On 9/26/24 the Plaintiff was arrested for allegedly violating pretrial conditions, a non-bailable alleged offerse (Exhib)
- 5. The Plaintiff spent 9/26/24 in a harsh cell with a metal "bed" and the light kept brightly shining onto the "bed" from above, at the Burlington Potice Station in MA.
- 6. The Plaintiff spent 9/27/24 10/1/24 at the Billerica House Forrections while waiting for a bed at the Department of Mental Health, for our ordered MGL Section 123 15B evaluation.
- 7. The Plaintiff spent 10/1/24 present (11/17/24) future (next status update 11/20/24) at the Worcester Recovery Center & Hospital as part of 15B and 16A court ordered evaluations. (Exhibit 5)
- 8. As of this writing on 11/17/24 the Plaintiff faces the possibility of further commitment at the Worcester Recovery Center & Hospital on 11/20/24 via Zoom court at Woburn District Court, as part of a 16B commitment petition. (Exhibit 5)

Sam

9. All of the pain and suffering + other significant material damages the Plaintiff suffered was because the Defendant told lies or untruths about the Plaintiff's voicemail, and the Plaintiff was arrested on 9/26/24 without the opportunity to present evidence of his non-violations at Woburn District on 9/27/24, purely due to the Defendant's actions. (Exhibits 0 1 2 3 4 5)

PRAYER FOR JUDICIAL RELIEF

- 1. The Plaintiff would like a junge of jury a double-check policy on every alleged pre-trial violation any probation officer alleges in the State of Massachusetts. Currently the alleged "due process" in MA regarding alleged pre-trial conditions does not even provide an opportunity for the accused to review and show evidence in court, to dispute the alleged pre-trial conditions violations. This is a gross violation of any viction who was falsely alleged Eighth Amendment and Fourteen Amendment Due Process rights. Additionally if false imprisonment occurs without a realistic opportunity to challenge it, it also violates the victim's First Amendment and Jumerous other Federal and MA Constitutional rights.
- 2. The Plaintiff your like a judge or jury to order Massachusetts courts a realistic opportunity of review and present evidence of false non-bailable pre-trail conditions. Currently victims of false allegations are only allowed to call their lawyers while in the police station but do not get to review or submit any evidence proving their innocence. This lack of due process procedures is a gross violation of the Eighth and Fourteenth Amendments, plus related Federal and MA rights.

DAMAGES SOUGHT BY THE PLAINTIFF

- 1. The Plaintiff is seeking the maximum \$100,000 damages allowed under the Tortious Actions Involving the Community, for the 60 or so days the Plaintiff was forced to suffer detention that lacked due process via procedural and factual analysis. The Plaintiff not only suffered intense psychological and physical distress due to rights violations without sufficient due process, but materially by being forced to miss work, and being forced to not hit deadling for 3 other civil actions the Plaintiff was actively involved in at the time of his arrest on 9/26/24.
- 2. The Plaintiff is also seeking \$1M of punitive damages to strongly deter such gross and un-fightable violations of due process rights in the State of Massachusetts, for all criminal proceedings.

Sam





EXHIBIT 0: The pre-trial conditions the Plaintiff was released on, including the "take all medications" clause which the Plaintiff had some questions and concerns about, voiced to the Defendant by voicemail. However the Plaintiff NEVER said he would not abide by a single pre-trial condition, unlike what the Defendant alleged when had to the Plaintiff's arrest without bail + at least 55 more days of illegal incarceration since Due Process was violated due to the Defendant's false allegations

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EXHIBIT 1: A YouTube video with the full recording of Plaintiff's call to the Defendant, asking weather the "take medications" clause in pre-trial release would wolate the Eighth Amendment, given how Plaintiff's Primary Care Provider stopped amedications the week before. The URL is **www.youtube.com/watch?v=8t10er_inch**



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EXHIBIT 2: The transcription of the Plaintiff's YouTube video and voicemail left for the Defendant, explaining that the Plaintiff's Primary Care Provider ceased different medications and that the court-ordered "mental health" provider Edinburgh Center CT has not prescribed anything yet. The Plaintiff was concerned that if prescribed some thing objectionable, the "take all medications" clause would violate the Plaintiff's Eight mendment rights. Thus the Plaintiff called the Defendant to ask this question, but NEVER stated that he would NOT follow any pre-trial conditions that the Defendant alleged to have happened.

Sam



Sam

Hi my phone number is 781-999-410 My name is Bo Shang. I'm calling in regards to docket number 24-1008. So I was released on pre-trial conditions release I think less than a week ago or something, and one of the conditions was to take medications as prescribed from a licensed medical provider. So my PCP stopped all medications including 50mg of Seroquel, a starting dose antipsychotics. And I think I don't need any medications at all to be optimal. However haven't talked to nurse practitioner Pam at the Edinburgh Center so I don't know we she's going to prescribe. I talked to my therapist Frank yesterday and Frank assured me PACT was open to not taking any medications. However I think this clause itself, like I don't take it over something this minor. Like I was alleged to have shoved my Mom once right? While under confusion of being hacked, so I know not to abuse her anymore, and to participate in mental health treatment, make no false statement, etc.

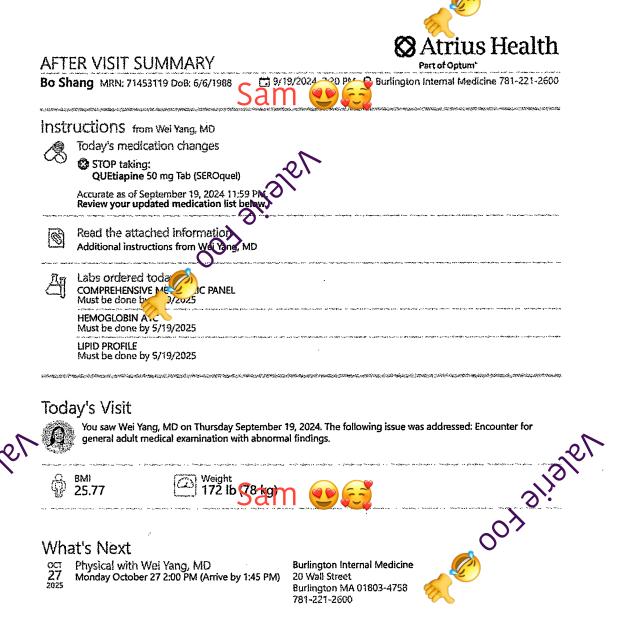
But if I don't take any medication, would I get arrested with bail denied? Would they force me to like swallow or be injected with stuff? I believe that would be in violation of the Eighth Amendment Clause, and no excessive bail should be imposed for something as minor as taking a little Seroquel or something like that of the sould be imposed for something as minor as taking a little Seroquel or something like that of the sould be reached at email at bo@shang software.

Sam

www.youtube.com/watch?v=8t1Oecmi0GM



EXHIBIT 3: An Atrius Health (Harvard Vanguard Burlington) after visit summary dated 9/19/24 clearly displaying that the Plaintiff's Primary Care Provider cease all medications including the 50mg of Seroquel mentioned to the Defendant via voice mail



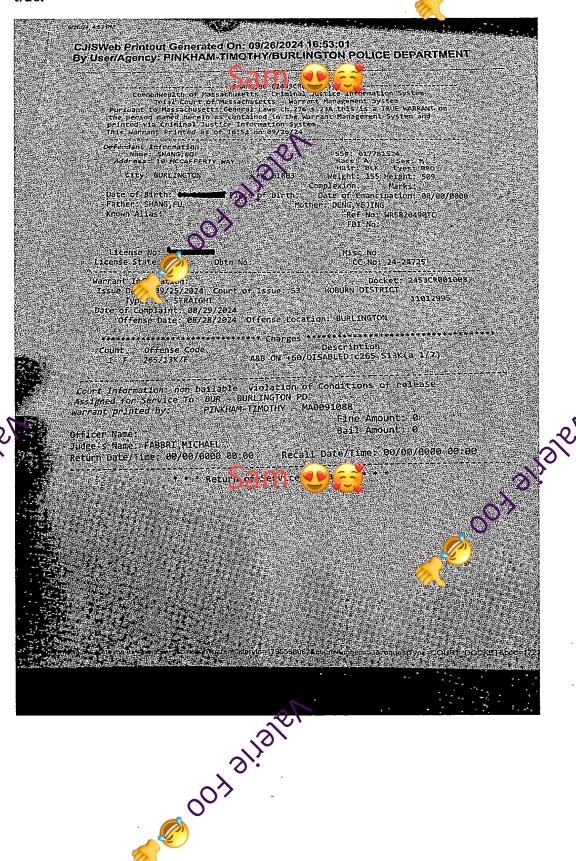
Bo Shang (MRN: 71453119) • Printed at 9/20/2024 10:53 AM

Allergies

No Known Drug Allergies

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EXHIBIT 4: The arrest warrant issued on 9/25/24 that said "non-bailable violations of pre-trial conditions" which was not factually true. Anyone reading the transcription in Exhibit 2 or watching the video on Exhibit 1 could easily see the pre-us statement to be true.



Sam @

EXHIBIT 5: The Plaintiff's current 16A order from Woburn District Court, By law the Plaintiff's 16A expires on 11/19/24 however the Worcester Recovery Center & Hospital has told the Plaintiff that they plan to involuntarily confine the Plaintiff at least 11/20/24, one day later than allowed by law.

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Respectfully drafted and submitted on 11/17/24,

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