

Bo Shang | [bo@shang.software](mailto:bo@shang.software) | 781-999-4101 | 10 McCafferty Way, Burlington MA 01803

**Bo Shang vs Colleen Madigan**

24-3028

**Initial Complaint (drafted 11/16/24)**

## INTRODUCTION

1. The Plaintiff is an individual residing in the state of Massachusetts (MA henceforth)
2. The Defendant Colleen Madigan is a probation officer at the Woburn District Court of MA

11/18/2024

RECEIVED

## CAUSE OF ACTION

1. Federal Statute: 42 U.S.C. § 1983 (allows an individual to sue State actors for violations of Federal Constitutional rights in MA courts)
  - Civil action brought under 42 U.S.C. § 1983 are not protected by the Massachusetts 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

2. **Fourteenth Amendment - Substantive and Procedural Due Process:**
  - **Substantive Due Process:** Detaining someone without just cause, especially based on a significant misunderstanding or negligence, can constitute an 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 without adequate notice or a meaningful opportunity to challenge the allegations of 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 legal basis) may be framed as cruel treatment, particularly if the detention caused significant psychological harm.

**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 can interfere 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 ACTION**

1. On 9/18/24, the Plaintiff was released with pre-trial 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 Plaintiff left the Defendant a voicemail explaining that his Primary Care Provider ceased all medications and that he has not spoken to his psychiatric nurse practitioner yet. The Plaintiff was worried that 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 offense. (Exhibit 4)
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 Police Station in MA.
6. The Plaintiff spent 9/27/24 – 10/1/24 at the Billerica House of Corrections while waiting for a bed at the Department of Mental Health, for a court 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)

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 Court 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 judge or jury to instill 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 victim 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 numerous other Federal and MA Constitutional rights.
2. The Plaintiff would like a judge or jury to order Massachusetts courts a realistic opportunity to review and present evidence of false non-bailable pre-trial 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 AB1 – Tortious Actions Involving the Commonwealth, 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 lost materially by being forced to miss work, and being forced to not hit deadlines 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.

**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 which led 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

ORDER OF PRETRIAL CONDITIONS OF RELEASE		DOCKET NAME	COURT
DEFENDANT'S NAME & ADDRESS <b>Shenoi</b>		<b>24-1008</b>	<b>MASSACHUSETTS TRIAL COURT</b>
POB No. <b>5531568</b>		Count Description <b>1000JRM</b>	Court <b>District</b>

**FAILURE TO OBEY THIS ORDER MAY RESULT IN FULL ARREST AND INCARCERATION**

TO THE DEFENDANT, it is hereby ORDERED that you must comply with all PRETRIAL CONDITIONS OF RELEASE set forth in the following:

<input checked="" type="checkbox"/> <b>CLC 276, § 87, § 2</b> Comply with all local, state, and federal laws and court orders, including those and harassment and separation orders and support orders.	<input checked="" type="checkbox"/> <b>CLC 276, § 87, § 3</b> Do not leave the Commonwealth of Massachusetts without the express permission of the court and when a member of the household.	<input checked="" type="checkbox"/> <b>CLC 276, § 87, § 4A</b> On cases involving domestic violence, the defendant shall be required to remain in the County Jail or House of Correction, or in a place of safety, if the defendant is not permitted to remain in the County Jail or House of Correction.	<input checked="" type="checkbox"/> <b>CLC 276, § 87, § 5</b> Comply with all local, state, and federal laws and court orders, including those and harassment and separation orders and support orders.	<input checked="" type="checkbox"/> <b>CLC 276, § 87, § 6</b> Comply with all local, state, and federal laws and court orders, including those and harassment and separation orders and support orders.
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☒ **DO NOT LEAVE MASSACHUSETTS** unless you get the express permission of the court and when a member of the household.

☒ **SURRENDER ALL PASSPORTS AND PASSPORT ID CARDS** to the court prior to release and do not seek a replacement.

☒ **REFRAIN FROM POSSESSION** of any firearms, guns, shotguns, destructive devices, or dangerous weapons.

☒ **REFRAIN FROM ABUSE AND/OR HARASSMENT** of **Genavie Denti**.

☒ **HAVE NO CONTACT**, direct or indirect, with **Genavie Denti**.

☒ **STAY (distance)** **AWAY FROM** **Genavie Denti**.

☒ **STAY AWAY FROM** **Genavie Denti**.

☒ **RESIDE** **at** **Genavie Denti**.

☒ **TAKE MEDICATION** as prescribed by licensed medical provider.

☒ **DO NOT OPERATE A MOTOR VEHICLE** ☒ **SURRENDER** your driver's license to the court by **11/18/24**.

☒ **REFRAIN FROM** ☒ **ILLEGAL DRUGS** ☒ **RECREATIONAL MARIJUANA** ☒ **ALCOHOL**.

☒ **SUBMIT TO RANDOM TESTING** of ☒ **TESTING** **drugs** per **11/18/24**.

☒ **SIGN RELEASES** to verify your compliance with terms of this order and provide verification of compliance.

☒ **REPORT TO THE PROBATION DEPARTMENT** as directed by probation and/or as ordered by the court.

☒ **by phone** ☒ **in person** **times per week** **11/18/24**.

☒ **ATTEND** and verify to your probation officer **meetings per week of** **11/18/24**.

☒ **COOPERATE** in ☒ **Mental Health** ☒ **Substance Use Disorder** evaluation and/or recommended treatment.

☒ **Comply with REMOTE ALCOHOL BREATH TESTING**.

☒ **Comply with ELECTRONIC MONITORING** ☒ **EXCLUSION ZONE(S)**.

☒ **HOME CONFINEMENT** ☒ **CURFEW** ☒ **OTHER** **11/18/24**.

☒ **PARTICIPATE** in **program and verify compliance to probation by (date)** **11/18/24**.

☒ **PARTICIPATE** in ☒ **Practical Services (§§ 57, 58, 58A only)** or ☒ **Treatment (with consent)** at **COC**.

☒ **OTHER CONDITIONS** **Comply with all terms of the order and the acknowledgment set forth in the left, to the defendant, and the signature of the court.**

**DEFENDANT'S ACKNOWLEDGEMENT OF ORDER** **INTERPRETER'S SIGNATURE, if any**

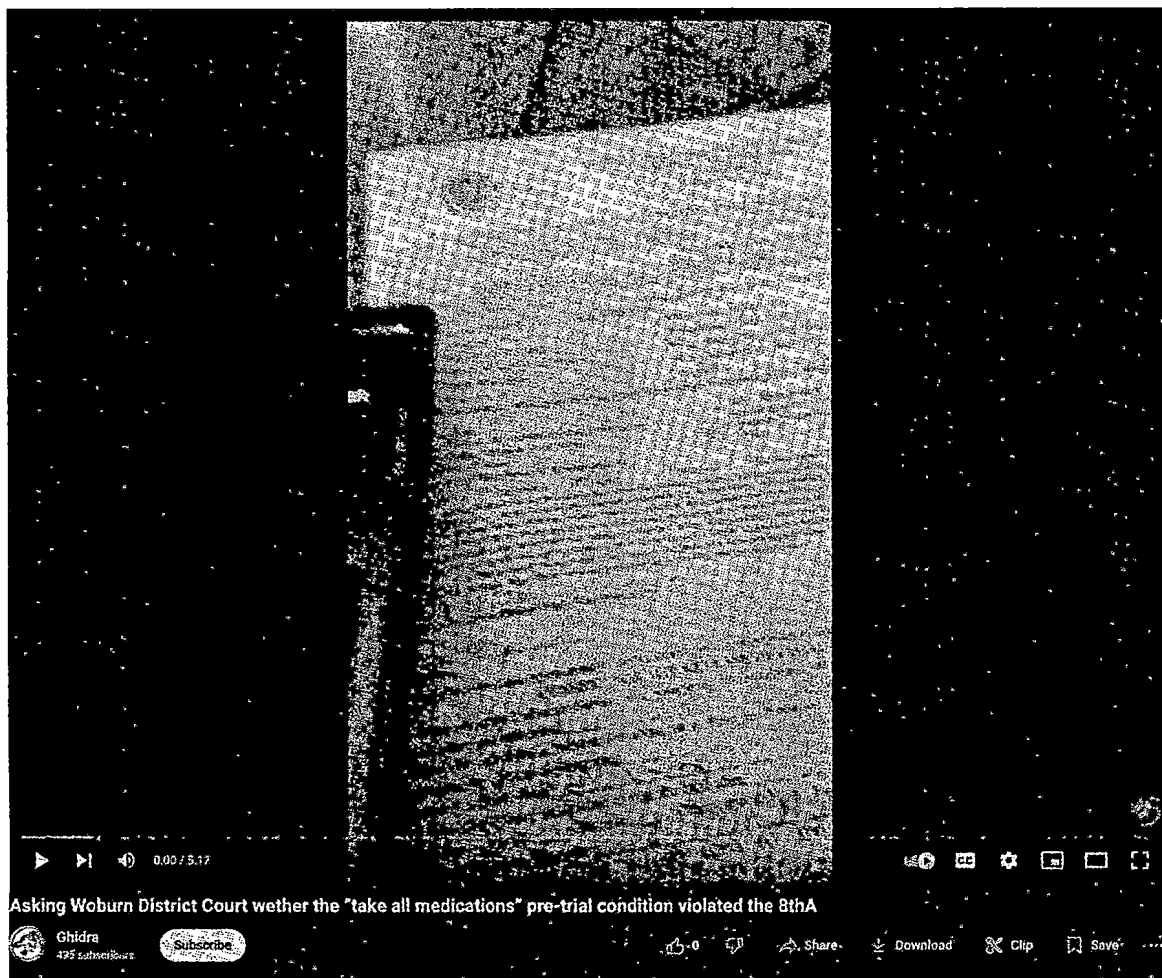
**DEFENDANT:** I have read and understood these conditions. I consent to programming of Community Conditions and to the imposition of § 276, § 87, § 1. I understand if I violate any of these conditions, it may result in my arrest and incarceration, and the revocation of my release.

**DATE:** **11/18/24** **DATE:** **11/18/24**

**PROBATION OFFICER'S SIGNATURE AS WITNESS** **JUDGE'S SIGNATURE**

**DATE:** **11/18/24** **DATE:** **11/18/24**

**EXHIBIT 1:** A YouTube video with the full recording of Plaintiff's call to the Defendant, asking whether the "take medications" clause in pre-trial release would violate the Eighth Amendment, given how Plaintiff's Primary Care Provider stopped all medications the week before. The URL is [www.youtube.com/watch?v=8t1Oecmi0GM](https://www.youtube.com/watch?v=8t1Oecmi0GM)



**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 all medications and that the court-ordered "mental health" provider Edinburgh Center PACT has not prescribed anything yet. The Plaintiff was concerned that if prescribed something objectionable, the "take all medications" clause would violate the Plaintiff's Eighth Amendment 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.

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TRANSCRIPT


*Hi my phone number is 781-999-4101. 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 of antipsychotics. And I think I don't need any medications at all to be optimal. However I haven't talked to nurse practitioner Pam at the Edinburgh Center so I don't know what 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. I was wondering if you could call me back at 781-999-4101 or 617-618-8279 or I could be reached at email at [bo@shang.software](mailto:bo@shang.software).*

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**[www.youtube.com/watch?v=8t1Oecmi0GM](https://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 ceased all medications including the 50mg of Seroquel mentioned to the Defendant via voicemail

 **Atrius Health**  
Part of Optum<sup>®</sup>


**AFTER VISIT SUMMARY**  
**Bo Shang** MRN: 71453119 DoB: 6/6/1988 9/19/2024 2:20 PM Burlington Internal Medicine 781-221-2600


**Instructions** from Wei Yang, MD

 Today's medication changes

-  **STOP taking:**  
QUETiapine 50 mg Tab (SEROquel)


Accurate as of September 19, 2024 11:59 PM.  
Review your updated medication list below.

 **Read the attached information**  
Additional instructions from Wei Yang, MD

 **Labs ordered today**

- COMPREHENSIVE METABOLIC PANEL**  
Must be done by 5/19/2025
- HEMOGLOBIN A1C**  
Must be done by 5/19/2025
- LIPID PROFILE**  
Must be done by 5/19/2025

**Today's Visit**

 You saw Wei Yang, MD on Thursday September 19, 2024. The following issue was addressed: Encounter for general adult medical examination with abnormal findings.

 **BMI**  
25.77

 **Weight**  
172 lb (78 kg)

**What's Next**

**OCT 27 2025**

Physical with Wei Yang, MD  
Monday October 27 2:00 PM (Arrive by 1:45 PM)

**Burlington Internal Medicine**  
20 Wall Street  
Burlington MA 01803-4758  
781-221-2600

**Allergies**  
No Known Drug Allergies

07/20/24 4:05PM

CJISWeb Printout Generated On: 09/26/2024 16:53:01  
By User/Agency: PINKHAM-TIMOTHY/BURLINGTON POLICE DEPARTMENT

SHANG,BO (2453CR001008)  
Commonwealth of Massachusetts Criminal Justice Information System  
Trial Court of Massachusetts Warrant Management System  
Pursuant to Massachusetts General Laws ch.276,§23A THIS IS A TRUE WARRANT on  
the person named herein as contained in the Warrant Management System and  
printed via Criminal Justice Information System  
This Warrant printed at 16:53 on 09/26/24

Defendant Information  
Name: SHANG,BO SSN: 0177B1524  
Address: 10 MCCAFFERTY WAY Race: A Sex: M  
City: BURLINGTON MA 01803 Hair: BLK Eyes: BRO  
Weight: 155 Height: 509  
Complexion: Marks:  
Date of Birth: [REDACTED] Place of Birth: Date of Emancipation: 00/00/0000  
Father: SHANG,FU Mother: DENG,YE JING  
Known Alias: Ref No: WR5820490TC  
FBI No:

License No: [REDACTED] Misc No:  
License State: MA Obt'n No: CC No: 24-24725

Warrant Information: Docket: 2453CR001008  
Issue Date: 09/25/2024 Court of Issue: SJ WOBURN DISTRICT  
Type: S STRAIGHT 11012995  
Date of Complaint: 08/29/2024  
Offense Date: 08/28/2024 Offense Location: BURLINGTON

\*\*\*\*\* Charges \*\*\*\*\*  
Count Offense Code Description  
1 F 265/13K/F A&B ON +60/DISABLED c265 S13K(a 1/2)

Court Information: non bailable violation of Conditions of release  
Assigned for Service To: BUR - BURLINGTON PD  
Warrant printed by: PINKHAM-TIMOTHY MA0091088  
Fine Amount: 0  
Officer Name: Bail Amount: 0  
Judge's Name: FABBRI,MICHAEL  
Return Date/Time: 00/00/0000 00:00 Recall Date/Time: 00/00/0000 00:00


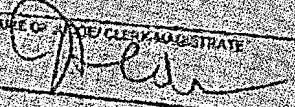
\*\*\* Return of Service on Page 2 \*\*\*

MA0091088-1795560062-COURT Number-Subqueue Type-COURT DOCKET#000-17



**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 to at least 11/20/24, one day later than allowed by law.

*Worcester Recovery*

<b>ORDER FOR HOSPITALIZATION &amp; EXAMINATION</b> G.L.c. 123, § 16(a) ORIGINAL		DOCKET NUMBER <b>2453CR001008</b>	<b>Trial Court of Massachusetts District Court Department</b>
DEFENDANT NAME <b>Bo Shang</b>		DOB <b>08/08/1988</b>	COURT NAME & ADDRESS <b>Woburn District Court 30 Pleasant Street Woburn, MA 01803 (781)935-4000</b>
ADDRESS <b>10 McCafferty Way Burlington, MA 01803</b>		GENDER <b>Male</b>	
DEFENSE ATTORNEY <b>George F. O'Hara, Jr., Esq.</b>		DEFENSE ATTORNEY'S PHONE NO. <b>(817)850-3357</b>	
NO. OF CHARGES <b>1</b>	COMPLAINT DATE <b>09/28/2024</b>	POLICE DEPARTMENT OF OFFENSE <b>BURLINGTON PD</b>	NEXT COURT EVENT DATE & TIME <b>11/20/2024 09:00 AM Hearing to Review Status</b>
FIRST THREE OFFENSES FOR WHICH DEFENDANT FOUND INCOMPETENT OR NOT GUILTY BY MENTAL ILLNESS			AAA - THIS CASE IS NEXT SCHEDULED AAA FOR THE ABOVE DATE & TIME
CHARGE	DEFENSE CODE	OFFENSE DESCRIPTION	OFFENSE DATE
1	25B13GCF	ASB - IN - 60-DISABLED C265 §13K(a)(4)	09/28/2024
THE OFFICIAL IN CHARGE OF <b>Worcester Recovery Center and Hospital</b>			
REASON FOR EXAMINATION <b>INCOMPETENT TO STAND TRIAL</b>			
<p>The Court hereby ORDERS pursuant to G.L.c. 123, § 16(e) that the defendant be hospitalized for a period of 40 days at the facility or hospital named above for observation and examination, provided that the combined periods of this hospitalization and any prior hospitalization pursuant to G.L.c. 123, § 16(b) shall not exceed 60 days.</p> <p>During such period, the superintendent of such facility or the medical director of the Bridgewater State Hospital may petition the Court pursuant to § 16(b) to commit the defendant for an initial period of 6 months to a facility or to the Bridgewater State Hospital under the standards set out in G.L.c. 123, § 8.</p> <p>Any duly authorized officer is hereby directed to deliver the defendant to such facility or hospital, along with a copy of this Order, and to make return to this court. The defendant shall be returned to this court on the next court date indicated above, unless returned earlier.</p> <p><b>TO THE RESPONDENT:</b> This commitment order prohibits you from being issued a firearm identification card or a license to carry unless a petition for relief is subsequently granted.</p> <p><b>FURTHER ORDERS</b></p> <p><b>DO NOT TRANSPORT DEFENDANT TO BE HEARD VIA ZOOM 161 308 3158 - DEFENDANT ALSO HELD ON \$10,000.00 BAIL - DO NOT TRANSPORT</b></p> <p><i>Nov 19, 2024</i></p> <p><i>Oct 1, 24 admissions</i></p> <p><i>Nov 20, 24, 1 day after release date</i></p>			
DATE OF ORDER <b>10/18/2024</b>	JUDGE ISSUING ORDER <b>Hon. Neil J. Hounhan</b>	SIGNATURE OF JUDGE/CLERK/MAGISTRATE 	
www.mass.gov/courts		Date/TIME Filed: 11-18-2024 12:00:00	

Respectfully drafted and submitted on 11/17/24,

Bo Shang

10 McCafferty Way

Burlington, MA 01803

781-999-4101

[bo@shang.software](mailto:bo@shang.software)