

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	]	
EMMANUEL ANDRO	]	
Plaintiff	]	
	]	Civil Action No. 15- 13030-NMG
v.	]	
	]	
TOWN OF BROOKLINE, ET AL.	]	
Defendants	]	
_____	]	

**DEFENDANT STEVEN W. TOMPKINS’  
MOTION FOR JUDGMENT ON THE PLEADINGS**

**Now Comes** the Defendant Steven W. Tompkins, and moves this honorable Court for judgment on the pleadings pursuant to Fed. R. Civ. P. 12 (c) and 12 (h)(2)(B).

**As Grounds** therefore, Defendant states the Complaint fails to state a claim on upon which relief can be granted with regard to Tompkins as the Complaint is void of facts to sustain a due process claim. Likewise, there are no facts to support an unreasonable seizure or false arrest against claim against Tompkins. Additionally, Tompkins is entitled to Eleventh Amendment immunity; qualified immunity, and is protected from personal liability under the Mass. Torts Claims Act, Mass. Gen. L. ch. 258 et seq.

**In Support** of this Motion, Defendant submits the attached memorandum of law.

Respectfully submitted  
For Steven W. Tompkins  
By,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Kathleen M. Cawley  
Kathleen M. Cawley  
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August 23, 2016

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 23, 2016, this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and a paper copy will be sent the Plaintiff via first class mail at the following address:

Emmanuel Andro, Pro Se,  
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(617) 596-1614

/s/ Kathleen M Cawley  
Kathleen M. Cawley

### **Local Rule 7.1 Certification**

I certify that I consulted with the plaintiff via telephone on August 22, 2016 in an effort to narrow the issues raised by this motion.

/s/ Kathleen M. Cawley  
Kathleen M. Cawley