

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EMMANUEL ANDRO,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 15-13030-NMG
)	
TOWN OF BROOKLINE, et al.,)	
)	
Defendants.)	
)	

**THE NORFOLK DA DEFENDANTS' MOTION TO DISMISS COMPLAINT
(BY DEFENDANTS MORRISSEY, FRIEDMAN, MARATHAS, AND NELSON)**

Norfolk District Attorney Michael Morrissey; Chief of the Norfolk District Attorney's Office's Victim-Witness Unit, Pamela Friedman; and Victim-Witness Advocates Erica L. Marathas and Steven Nelson (collectively, the "Norfolk DA Defendants"), who are among the defendants to this action, respectfully move the Court to dismiss the plaintiff's federal and state-law claims against them pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). The complaint against the Norfolk DA Defendants must be dismissed on any number of the following grounds: (1) the plaintiff fails to state a claim against the Norfolk DA Defendants upon which relief can be granted because (a) the plaintiff fails to allege that the Norfolk DA Defendants played any active role in his detention pursuant to the challenged immigration detainer, and (b) the plaintiff fails to plead facts supporting a plausible claim that the Norfolk DA Defendants discriminated against him based on his national origin; and (2) the plaintiff's claims are barred by sovereign immunity, absolute prosecutorial and quasi-prosecutorial immunity, and other immunity principles, depriving this Court of subject matter jurisdiction. In further support of this motion, the Norfolk

DA Defendants rely upon and incorporate their accompanying memorandum of law and Exhibits A through E to this motion, filed herewith.

WHEREFORE, the Norfolk DA Defendants respectfully request that this Court dismiss all claims against them in their entirety and enter judgment in their favor.

Respectfully submitted,

MAURA HEALEY
ATTORNEY GENERAL

/s/ Jessica V. Barnett

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*Counsel for Defendants Michael Morrissey,
Pamela Friedman, Erica L. Marathas, and
Steven G. Nelson (collectively, the "Norfolk
DA Defendants")*

Dated: June 30, 2016

LOCAL RULE 7.1 CERTIFICATION

Pursuant to this Court's Order dated June 2, 2016, the undersigned counsel was granted leave to file the foregoing motion and related documents without first conferring with the plaintiff in this matter.

/s/ Jessica V. Barnett

Jessica V. Barnett

CERTIFICATE OF SERVICE

I hereby certify that 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 paper copies will be sent to those indicated as non-registered participants on June 30, 2016, including:

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/s/ Jessica V. Barnett

Jessica V. Barnett