

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EMMANUEL ANDRO

Plaintiff,

v.

TOWN OF BROOKLINE, *et al.*

Defendants.

Civil Action No.: 15-13030-NMG

DEFENDANTS GALLAGHER, THURLOW, CHAMBERS, MILLEY, GILBERT, SAPIA,
MCNEICE, I.C.E. DOES 21-30 AND UNITED STATES' MOTION TO DISMISS

Defendants Gallagher, Thurlow, Chambers, Milley, Gilbert, Sapia, McNeice, I.C.E. Does 21-30¹, and the United States, hereby move to dismiss Plaintiff's Complaint because he failed: (1) to serve properly a copy of the Complaint on all parties under Fed.R.Civ.P. 4; (2) to plead with proper particularity the acts of each individually named Defendant for *Bivens* purposes under Fed. R. Civ. P. 8(a); (3) even if he met the pleading requirements of Rule 8(a), Plaintiff's Complaint fails to state a valid claim as a matter of law; (4) Defendants are entitled to qualified immunity; and (5) Plaintiff failed to exhaust his administrative remedies under the FTCA.

¹ Because Plaintiff is alleging a *Bivens* claim against ICE Does 21-30, undersigned counsel cannot represent unnamed individuals for this purpose.

Motion allowed. S.M. Gorton, USDJ 11/3/16