

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEBRA TITUS,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 09-12193-NMG
TOWN OF NANTUCKET,)	
KEITH MANSFIELD and)	
JOHN MUHR,)	
)	
Defendants.)	

**REPORT AND RECOMMENDATION ON
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

September 29, 2011

DEIN, U.S.M.J.

I. INTRODUCTION

The plaintiff Debra Titus ("Titus") was arrested by Nantucket Police Officers Keith Mansfield ("Mansfield") and John Muhr ("Muhr") for allegedly violating a restraining order that had been issued pursuant to Mass. Gen. Laws ch. 209A. She contends that the arrest was without probable cause, and, therefore, in violation of her statutory and constitutional rights, and that the police used excessive force and otherwise treated her unlawfully. Titus has brought a complaint alleging that the Town of Nantucket ("Town" or "Nantucket") and the individual officers violated the Massachusetts Tort Claims Act, Mass. Gen. Laws ch. 258 (Count I), and her federal civil rights in violation of 42 U.S.C. § 1983 (Counts III, IV and V). She also asserts that the defendants

Report and Recommendation accepted and adopted. J.M. Boston, USDJ 11/9/11