

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROGER D. CORDELL)	
)	
Plaintiff,)	
v.)	CIVIL ACTION
)	NO. 10-10879-NMG
CASANDRA HOWARD, et al.,)	
)	
Defendants.)	

**REPORT AND RECOMMENDATION ON
DEFENDANTS' MOTION TO DISMISS AND ON
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

June 7, 2012

DEIN, U.S.M.J.

I. INTRODUCTION

Plaintiff Roger D. Cordell ("Cordell") has brought this Bivens¹ action pro se against four medical providers at FMC Devens in Ayer, Massachusetts. Cordell claims that the defendants, Casandra Howard ("Howard"), Karl Bernhard ("Bernhard"), Herbert P. Beam ("Beam") and John Asare ("Asare"), deprived him of his constitutional rights under the Eighth Amendment while he was an inmate at FMC Devens by overdosing him with medication, falsifying his medical records to cover up the alleged overdoses, refusing to provide him with emergency medical care, and failing to intervene to correct

After consideration of defendant's objections thereto,
¹ Bivens v. Six Unknown Agents of Fed. Bureau of Narcotics, 403 U.S. 388, 91 S. Ct. 1999, 29 L. Ed. 2d 619 (1971) establishes, "as a general proposition, that victims of a constitutional violation perpetrated by a federal actor may sue the offender for damages in federal court despite the absence of explicit statutory authorization for such suits." Ruiz Rivera v. Riley, 209 F.3d 24, 26 (1st Cir. 2000) (quotations and citation omitted).

Report and Recommendation accepted and adopted. ASM Gordon, USDJ 7/18/12