

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALBERT GAGNE,)	
Plaintiff,)	
)	
v.)	C.A. No. 10-10318-MLW
)	
MARK DUNDERDALE,)	
DIRECTOR OF THE ARCHDIOCESE)	
OF BOSTON,)	
Defendants.)	

ORDER

WOLF, D.J.

October 4, 2010

Albert Gagne has been enjoined from filing further complaints without leave of court. See Sept. 20, 2010 Order, Gagne v. Nagel et al., C.A. No. 10-10297-MLW. On September 29, 2010, Gagne filed a petition requesting leave to file a complaint against defendants Mark Dunderdale and Director of Archdiocese of Boston (the "defendants"), in which he alleges violations of the Eighth and Fourteenth Amendments. Claims under these amendments require state action. See DeShaney v. Winnebago County Department of Social Services, 489 U.S. 189 (1989); Pike v. Guarino, 492 F.3d 61, 78 (1st Cir. 2007); see also Rendell-Baker v. Kohn, 457 U.S. 830, 837 (1982), Marshall v. Honeywell Tech. Solutions, Inc., 536 F. Supp. 2d 59, 66 (D.D.C. 2008). Gagne does not assert that the proposed defendants are state actors.

Accordingly, because Gagne's claims could not entitle him to relief, it is hereby ORDERED that Gagne's petition requesting leave

to file a complaint (Docket No.1) is DENIED.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE