

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN LEWIS,

Plaintiff,

v.

WEST ROXBURY DISTRICT COURT,
JUDGE MCKINLEY, in his individual
capacity, and COURT CLERK, in his
individual capacity,

Defendants.

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Civil Action No. 12-11544-JLT

ORDER

September 10, 2013

TAURO, J.

This court ACCEPTS and ADOPTS the August 22, 2013 Report and Recommendation [#46] of Magistrate Judge Boal. For the reasons set forth in the Report and Recommendation, this court hereby orders that Defendant West Roxbury District Court’s Motion to Dismiss [#12] is ALLOWED; Defendant Judge Robert McKenna, Jr.’s¹ Motion to Dismiss [#14] is ALLOWED; and Defendant Court Clerk’s Motion to Dismiss [#16] is ALLOWED. Plaintiff’s Motion for Leave to Amend [#26] is ALLOWED IN PART and DENIED IN PART. It is ALLOWED to the extent that it seeks leave to (a) substitute Judge McKenna for “Judge McKinley”; (b) identify Erin Carey as the Court Clerk; (c) amend Plaintiff’s claim of “negligence and recklessness” to “negligence pursuant to Mass Tort Claims Act M.G.L.A. 258 s. 2”; and (d) eliminate Plaintiff’s

¹ Plaintiff listed a “Judge McKinley” as a defendant in this case. Given that subsequent filings made clear that Plaintiff intended to sue Judge Robert McKenna, Jr., see Report and Recommendation [#46], Plaintiff’s motion to amend is allowed to the extent that it seeks to fix this error.

request for injunctive relief. The Motion is DENIED in all other respects. Plaintiff's second Motion for Leave to Amend [#37] is DENIED. This case is CLOSED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge