

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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KATIE ARCHIBALD,

Plaintiff,

v.

THE DEPARTMENT OF CHILDREN &  
FAMILIES,Defendant.

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CIVIL ACTION NO.  
14-12983-WGY**ORDER OF DISMISSAL**

YOUNG, D.J.

June 17, 2015

For the reasons stated below, the Court dismisses this action.

Pro se litigant Katie Archibald brought this action against the Massachusetts Department of Children and Families ("DCF"), alleging that the defendant wrongfully made a finding of neglect against her. The finding arose from the plaintiff's work as a staff member at a residential treatment center for boys. According to the plaintiff's filings, an altercation between another staff member and a resident arose, resulting in injury to the resident. In its finding of neglect, DCF took the position that the plaintiff should have known of the altercation and intervened. This finding resulted in the termination of the plaintiff's employment and the possibility of further employment in her profession has been jeopardized.

In a memorandum and order dated November 18, 2014 (#5), Magistrate Judge Kelley granted the plaintiff's motion for leave to proceed *in forma pauperis* and directed the plaintiff to show

cause why the action should not be dismissed. Judge Kelley found that any claims against the DCF were precluded by Eleventh Amendment immunity.

On December 22, 2014, Archibald filed an amended complaint in which she offered further information about the employment incident in question and the actions of the DCF. She did not, however, address the issue of Eleventh Amendment immunity or attempt to add claims against parties who are not protected by the Eleventh Amendment.

However compelling the alleged facts of this case may be, Archibald cannot maintain a claim against DCF in a federal court unless she demonstrates that the state has waived its Eleventh Amendment immunity or that Congress has overridden in it. In the absence of such a showing, the Court must dismiss this action.

Accordingly, for the reasons set forth in Judge Kelley's November 18, 2014 memorandum and order, this action is DISMISSED.

SO ORDERED.

/s/ William G. Young  
WILLIAM G. YOUNG  
UNITED STATES DISTRICT JUDGE