

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 17-11468-RGS

LEE P. UNITT

v.

DANIEL BENNETT, et al.

ORDER

June 28, 2018

STEARNS, D.J.

Upon review of the Proposed Amended Complaint, Dkt #21, the court hereby orders that:

1. The Proposed Amended Complaint shall be docketed as the Amended Complaint in this action.

2. Because the Amended Complaint contains improperly joined parties and claims, the court will allow the Amended Complaint to go forward as follows:

a. The claims will be limited to those regarding medical care, the use of excessive force, and any claims under the Americans with Disabilities Act. With regard to factual allegations, paragraphs 29-69 shall not be considered to be part of the Amended Complaint.

b. Luis Spencer, Carol Higgins O'Brien, Thomas Turco, and Lynn Bissonette shall be dismissed as defendants to this action because Unitt has not alleged facts from which the court may reasonably infer that they were personally involved in the deprivation of Eighth Amendment right to adequate medical care or her rights under the Americans with Disabilities Act.

c. Peter Koutoujian, the Office of the Sheriff of Middlesex County, Framingham Mayor Yvonne Spicer, and the City of Framingham shall be dismissed as defendants, as they are not responsible for the conditions of confinement at MCI Framingham.

3. The Clerk shall issue summonses as to all defendants identified in paragraphs 10-24 of the Amended Complaint. The plaintiff is responsible for serving a copy of the summons, Amended Complaint, and this Order on each of these defendants in accordance with Rule 4 of the Civil Rules of Civil Procedure. Failure to complete service within 90 days of the date of this Order may result in dismissal of any defendant who has not been timely served.

4. The Court shall sever from this action all claims concerning air quality, air temperature, ventilation, contaminants, toxic substances, and overcrowding at MCI Framingham as follows:

a. The Clerk shall assign a separate docket number to these claims. The Proposed Amended Complaint shall be docketed as the Complaint in the new case, and the Clerk shall also docket a copy of this Order in the case. The case shall be randomly assigned to a judicial officer.

b. The defendants in this action will be those set forth in paragraphs 3-11 of the pleading.

c. Resolution of the filing fee, any further screening of the Complaint, and the issuance of summonses will be addressed by the judicial officer to whom the new case is assigned.

**SO ORDERED.**

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE