

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Richard Briggs v. Town of Ashland, Cara Rossi, and Michael Herbert

Civil Action No. 25-11382-FDS (D. Mass. Mar. 30, 2026) · No. Civil Action No. 25-11382-FDS; 1:25-cv-11382
· Decided March 30, 2026

SUMMARY

The United States District Court for the District of Massachusetts considers defendants’ motion to dismiss claims arising from alleged retaliation against a municipal police lieutenant who raised concerns about an internal-affairs investigation. The court concludes that the plaintiff’s speech was made pursuant to his official employment duties and therefore was not protected speech under the First Amendment. The court grants dismissal of the federal claim and remands the remaining state-law claims to Norfolk County Superior Court.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	F. Dennis Saylor IV
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	March 30, 2026
DOCKET	Civil Action No. 25-11382-FDS; 1:25-cv-11382
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendants removed the action from Norfolk County Superior Court based on the federal-law claim and moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the complaint must state a claim that is plausible on its face. The court accepts well-pleaded facts as true and draws reasonable inferences in the plaintiff's favor, but dismissal is proper when the complaint lacks factual allegations supporting each material element of an actionable legal theory.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; nonprecedential

TOPICS

- motions to dismiss
- retaliation
- first amendment
- section 1983
- civil procedure

PRACTICE AREAS

civil rights

constitutional law

employment law

civil procedure

municipal law

QUESTIONS PRESENTED

1. Whether Briggs's complaints to the police chief and town manager about the water-jug incident and the proposed internal-affairs investigation were speech made as a citizen on a matter of public concern and thus protected by the First Amendment.
2. Whether the complaint stated a viable First Amendment retaliation claim under 42 U.S.C. § 1983.
3. Whether the district court should exercise supplemental jurisdiction over the remaining Massachusetts-law claims after dismissing the sole federal claim.

HOLDINGS

1. Briggs's statements to the police chief and town manager were made pursuant to his official employment responsibilities, not as a citizen, because conducting or seeking guidance concerning an internal-affairs investigation was part of the duties he was expected to perform and he communicated through the chain of command.
2. The complaint failed to state a First Amendment retaliation claim because the alleged speech was made pursuant to Briggs's official duties and therefore was not protected speech.
3. The court declined to exercise supplemental jurisdiction over the remaining state-law claims and remanded them to Norfolk County Superior Court.

KEY QUOTATIONS

“The First Amendment retaliation claim therefore fails at the first prong of the analysis.” (Section III.A)

“For the foregoing reasons, defendants’ motion to dismiss is GRANTED in part as to Count 1. The case is hereby REMANDED to the Norfolk County Superior Court.” (Section IV)

FACTUAL BACKGROUND

Richard Briggs was a lieutenant in the Ashland Police Department and was involved in reviewing an alleged prank in which a water jug injured another officer. Briggs pressed for an internal-affairs or third-party investigation and discussed his concerns with Police Chief Cara Rossi and Town Manager Michael Herbert. He alleged that the defendants thereafter delayed or denied his promotion, offered him an inadequate salary, and removed salary stipends in retaliation for his complaints. The court concluded that the alleged speech concerned a matter of public concern but was made pursuant to Briggs's official employment responsibilities and therefore was not protected First Amendment speech.

PROCEDURAL HISTORY

Briggs filed suit in Norfolk County Superior Court asserting federal constitutional and state-law claims arising from alleged retaliation in his public employment. Defendants removed the action under 28 U.S.C. § 1441 and moved to dismiss. The district court granted the motion as to the § 1983 First Amendment retaliation claim,

declined supplemental jurisdiction over the remaining state-law claims, and remanded those claims to the state court without reaching defendants' motion as to Counts 2 through 5.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The remaining state-law claims, Counts 2 through 5, are remanded to Norfolk County Superior Court. The district court did not reach defendants' motion to dismiss those claims.

CASES CITED

- Watterson v. Page, 987 F.2d 1, 3 (1st Cir. 1993)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Lowe v. Mills, 68 F.4th 706, 713 (1st Cir. 2023)
- Frese v. Formella, 53 F.4th 1, 5 (1st Cir. 2022)
- Gagliardi v. Sullivan, 513 F.3d 301, 305 (1st Cir. 2008)
- Centro Médico del Turabo, Inc. v. Feliciano de Melecio, 406 F.3d 1, 6 (1st Cir. 2005)
- Garcetti v. Ceballos, 547 U.S. 410, 417, 420-21, 425 (2006)
- City of San Diego v. Roe, 543 U.S. 77, 80 (2004)
- Bruce v. Worcester Regional Transit Authority, 34 F.4th 129, 135-36 (1st Cir. 2022)
- Gilbert v. City of Chicopee, 915 F.3d 74, 82 (1st Cir. 2019)
- Decotiis v. Whittemore, 635 F.3d 22, 29-31 (1st Cir. 2011)
- Curran v. Cousins, 509 F.3d 36, 44 (1st Cir. 2007)
- Mercado-Berrios v. Cancel-Alegria, 611 F.3d 18, 26 (1st Cir. 2010)
- Lane v. Franks, 573 U.S. 228, 241 (2014)
- Thomas v. Town of Salisbury, 277 F. Supp. 3d 161, 173 (D. Mass. 2017)
- Ross v. Breslin, 693 F.3d 300, 307 (2d Cir. 2012)
- Oberg v. City of Taunton, 972 F. Supp. 2d 174, 196 (D. Mass. 2013)
- O'Connell v. Marrero-Recio, 724 F.3d 117, 123 (1st Cir. 2013)
- Connick v. Myers, 461 U.S. 138, 154 (1983)
- Uphoff Figueroa v. Alejandro, 597 F.3d 423, 431 n.10 (1st Cir. 2010)
- Delgado v. Pawtucket Police Department, 668 F.3d 42, 48 (1st Cir. 2012)
- Wilber v. Curtis, 872 F.3d 15, 23 (1st Cir. 2017)
- Carnegie-Mellon University v. Cohill, 484 U.S. 343, 350 n.7 (1988)

