

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

OC Houston v. City of Brockton, et al.

OC Houston · No. Civil Action No. 25-cv-12275-LTS · Decided April 22, 2026

SUMMARY

The United States District Court for the District of Massachusetts orders the Clerk to issue a summons for Officer Christopher Perez and explains the available methods for serving him. The court dismisses the City of Brockton without prejudice because the amended complaint does not plausibly allege that a municipal policy or custom was the moving force behind the alleged constitutional violation. The plaintiff may seek to amend if discovery or other information supports a sufficient municipal-liability claim.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Leo T. Sorokin
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	April 22, 2026
DOCKET	Civil Action No. 25-cv-12275-LTS
DISPOSITION	other
PROCEDURAL POSTURE	On review of a pro se plaintiff's amended complaint under 42 U.S.C. § 1983, the court ordered issuance and service of a summons for one individual defendant and dismissed the municipal defendant without prejudice.
STANDARD OF REVIEW	The court reviewed the amended complaint for plausibility of the pleaded § 1983 municipal-liability claim and applied the requirement that a municipality's policy or custom be the moving force behind an employee's constitutional violation.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.

TOPICS

- municipal liability
- section 1983
- service of process
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly stated a 42 U.S.C. § 1983 claim against the City of Brockton based on failure to train and supervise police officers.
2. What service procedures applied to the individual defendant under Federal Rule of Civil Procedure 4 when the plaintiff proceeded in forma pauperis.

HOLDINGS

1. A municipality may be liable under § 1983 for an employee's unconstitutional conduct only when the plaintiff plausibly alleges that a municipal policy or custom was the moving force behind the constitutional violation. Houston's broad failure-to-train and failure-to-supervise allegations did not meet that standard, so the City of Brockton was dismissed without prejudice.
2. The Clerk was ordered to issue a summons for Perez, and Houston was required to complete service of the amended complaint, summons, and order within 90 days in accordance with Federal Rule of Civil Procedure 4. Houston could request service by the United States Marshals Service because he was proceeding in forma pauperis.

KEY QUOTATIONS

“To state a claim under 42 U.S.C. § 1983 against a municipality based on an employee’s unconstitutional conduct, a plaintiff must allege facts showing that the municipality’s policy or custom was “the ‘moving force’ behind the employee’s constitutional violation.”” (at 2)

“If, through discovery or other means, Houston uncovers information which would allow him to sufficiently state a claim against the City of Brockton, he may amend the complaint in accordance with Rule 15(a) of the Federal Rules of Civil Procedure.” (at 2)

FACTUAL BACKGROUND

Houston alleged that Brockton police officers, including Perez, engaged in unconstitutional conduct and that the City failed to train and supervise officers concerning recording police activity, lawful force, probable cause, and handling seized property. He also named unidentified officers whom he expected to identify through discovery. The complaint did not allege prior similar constitutional violations, facts concerning the substance or extent of officer training, or other facts plausibly connecting a municipal policy or custom to the alleged misconduct.

PROCEDURAL HISTORY

OC Houston filed an amended § 1983 complaint against the City of Brockton, Officer Christopher Perez, and unidentified officers. The court reviewed the amended complaint, ordered service on Perez, and dismissed the City of Brockton without prejudice for failure to plausibly allege municipal liability. The court stated that Houston could amend under Rule 15(a) if discovery or other information later supported a viable claim against the City.

DISPOSITION

other

CASES CITED

- *Salvidar v. Racine*, 818 F.3d 14, 20 (1st Cir. 2016)
- *Monell v. New York City Department of Social Services*, 436 U.S. 658, 691 (1978)
- *Conlon v. Scalreto*, 158 F.4th 211, 224 (1st Cir. 2025)
- *Consenza v. City of Worcester*, 120 F.4th 30, 38 (1st Cir. 2024)

OPINION

OC Houston v. City of Brockton, et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

)

OC HOUSTON,)

) Plaintiff,)) v.) Civil Action No. 25-cv-12275-LTS) CITY OF BROCKTON, et al.,))
Defendants.))

ORDER

April 22, 2026 SOROKIN, D.J. Pro se plaintiff OC Houston has filed an amended complaint under 42 U.S.C. § 1983 (“§ 1983”) against the City of Brockton, Brockton Police Officer Christopher Perez, and “John/Jane Doe Officers 1-10.”¹ Upon review of this document, the Court hereby orders:

1. The Clerk shall issue a summons for Perez. Houston is responsible for ensuring that Perez is served with the amended complaint, the summons, and this order, within 90 days.² Service must be completed in accordance with Rule 4 of the Federal Rules of Civil Procedure. Failure to timely complete service may result in dismissal of this action without prior notice to the plaintiff. See Fed. R. Civ. P. 4(m); L.R. 4.1 (D. Mass.). 1 Houston does not identify any specific misconduct by these defendants. He states that the “John/Jane Doe Officers 1-10 are officers who participated in the events described and will be identified through discovery.” Amend. Compl. ¶ 9.
- 2 The Court notes that, in the context of Rule 4 of the Federal Rules of Civil Procedure, “delivery” of a summons to refers to in-person service—not service by mail.
2. Service of the amended complaint and the summons on Perez may be carried out by “[a]ny person who is at least 18 years old and not a party” to the action.” Fed. R. Civ. P. 4(c)(2). In addition, because Houston is proceeding in forma pauperis, he may elect to have the United States Marshals Service (“USMS”) complete service with all costs of service to be advanced by the United States. See 28 U.S.C. § 1915(d). If so asked by Houston, the USMS shall serve the

summons, amended complaint, and this order on each defendant as directed by Houston. Houston is responsible for providing the USMS a copy of this order for the agency's records, all papers for service of Perez, and a completed USM-285 form providing the address at which Perez should be served. The Clerk shall provide Houston instructions for service by the USMS and a USM-285 form.

3. The City of Brockton is DISMISSED without prejudice as a party to this action.

To state a claim under 42 U.S.C. § 1983 against a municipality based on an employee's unconstitutional conduct, a plaintiff must allege facts showing that the municipality's policy or custom was "the 'moving force' behind the employee's constitutional violation." *Salvidar v. Racine*, 818 F.3d 14, 20 (1st Cir. 2016) (quoting *Monell v. New York City Dep't of Soc. Servs.*, 436 U.S. 658, 691 (1978)). Here, Houston's broad allegations that the City of Brockton "failed to train and supervise officers regarding "[t]he right to record police activity, "[t]he limits of lawful force," "[t]he requirement of probable cause," and the [p]roper handling of seized property," Amend. Compl. ¶ 56, do not plausibly plead that a municipal policy or custom was the moving force behind the Perez's alleged misconduct. See, e.g., *Conlon v. Scalreto*, 158 F.4th 211, 224 (1st Cir. 2025) (holding that plaintiff failed to sufficiently plead a § 1983 claim against a municipality based on failure to train where the complaint did "not identify any prior 'similar constitutional violations' by untrained police officers that would have put the City on notice of any deficiency in its training program" or "contain any factual allegations about the substance or extent of training that [the] officers did receive") (quoting *Consenza v. City of Worcester*, 120 F.4th 30, 38 (1st Cir. 2024))). If, through discovery or other means, Houston uncovers information which would allow him to sufficiently state a claim against the City of Brockton, he may amend the complaint in accordance with Rule 15(a) of the Federal Rules of Civil Procedure. SO ORDERED. /s/ Leo T. Sorokin

UNITED STATES DISTRICT JUDGE