

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Kelvin Nova Liriano v. Superior Court in Suffolk County

No. SJC-13892, Supreme Judicial Court of Massachusetts (June 3, 2026)

SUMMARY

The Massachusetts Supreme Judicial Court affirmed the denial of Kelvin Liriano's petition for relief under G. L. c. 211, § 3. Liriano sought to challenge the denial of a motion to join a former clerk-magistrate as a defendant in a Superior Court action, but the proposed claims were deemed futile because of quasi-judicial immunity and the Massachusetts Tort Claims Act. The court held that he had no right to additional interlocutory review under G. L. c. 211, § 3, and could raise the issue after final judgment.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
JURISDICTION	Massachusetts Supreme Judicial Court
DECIDED	June 3, 2026
DOCKET	SJC-13892
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a county court judgment denying a petition for relief under G. L. c. 211, § 3.
STANDARD OF REVIEW	Whether the single justice committed a clear error of law or otherwise abused her discretion in denying relief under G. L. c. 211, § 3.
PRECEDENTIAL VALUE	precedential
PARTIES	Kelvin Nova Liriano v. Superior Court in Suffolk County

TOPICS

- appellate procedure
- writ of certiorari
- interlocutory appeal
- joinder
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- torts

QUESTIONS PRESENTED

1. Whether relief under G. L. c. 211, § 3, was available to obtain additional interlocutory review of the denial of Liriano's petition under G. L. c. 231, § 118.
2. Whether Liriano had an adequate alternative remedy by appealing the immunity and joinder issues after entry of a final judgment.
3. Whether the county court single justice committed a clear error of law or abused her discretion by denying the G. L. c. 211, § 3 petition.

HOLDINGS

1. General Laws c. 211, § 3, does not provide an additional interlocutory review as a matter of right of an adverse ruling by a single justice of the Appeals Court on a § 118 petition.
2. Liriano had an adequate alternative remedy because he could appeal the immunity and related issues, along with any others, after entry of a final judgment in the underlying action.
3. The single justice did not commit a clear error of law or otherwise abuse her discretion in denying Liriano's petition.

KEY QUOTATIONS

“Rather, Liriano may appeal this issue along with any others following entry of final judgment.” (at 3)

“G. L. c. 211, § 3, does not provide a second opportunity as a matter of right for interlocutory relief, irrespective of whether it is couched as review of the adequacy of the order denying the G. L. c. 231, § 118, petition or as review of the underlying Superior Court orders” (at 2-3)

FACTUAL BACKGROUND

Liriano alleged that he was erroneously identified as the defendant in a 2017 criminal complaint concerning another person, resulting in an erroneous criminal record and reputational and other harm. In his related Superior Court civil action, he sought to join a former clerk-magistrate, alleging negligent failure to correct the error. The Superior Court determined that the proposed amendment and joinder would be futile because the alleged conduct involved core judicial functions protected by quasi-judicial immunity and was also barred by the Massachusetts Tort Claims Act.

PROCEDURAL HISTORY

In an underlying Superior Court civil action, Liriano sought to join a former clerk-magistrate as a defendant under Mass. R. Civ. P. 19 and 20. The Superior Court denied the motion, concluding that the proposed claims would be futile because quasi-judicial immunity and the Massachusetts Tort Claims Act barred them. A single justice of the Appeals Court denied Liriano's petition for interlocutory relief under G. L. c. 231, § 118. A single justice of the Supreme Judicial Court then denied Liriano's G. L. c. 211, § 3 petition, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- LaLonde v. Eissner, 405 Mass. 207, 210 (1989)
- Mancuso v. Kinchla, 60 Mass. App. Ct. 558, 572 (2004)
- Anderson v. Panagiotopoulos, 480 Mass. 1031, 1032 (2018)
- Montanez v. Flahive, 484 Mass. 1009, 1009-1010 (2020)

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