

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Jeremy J. Matos

v.

Civil No. 25-cv-256-LM-TSM  
Opinion No. 2026 DNH 106P

Manchester Police Department et al

O R D E R

Self-represented plaintiff Jeremy J. Matos brings this action arising under 42 U.S.C. § 1983 against the Manchester Police Department, the Department's Chief of Police, and several individual officers. Plaintiff contends that Manchester Police Officers violently assaulted him without justification in violation of his constitutional rights. The complaint is currently subject to preliminary review under 28 U.S.C. § 1915A.<sup>1</sup>

STANDARD OF REVIEW

When conducting preliminary review under 28 U.S.C. § 1915A, the court assumes the truth of the facts set forth in the complaint, construes reasonable inferences in the plaintiff's favor, and considers whether the plaintiff has stated a plausible claim to relief. Hernandez-Cuevas v. Taylor, 723 F.3d 91, 102-03 (1st Cir.

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<sup>1</sup> Ordinarily, the complaint would be referred to a magistrate judge for preliminary review, who would then issue a Report & Recommendation if the magistrate determined that any of the plaintiff's claims are subject to dismissal or that the complaint should be served on one or more defendants. See LR 4.3(d)(1). The court may permit a deviation from a local rule "whenever justice so requires." LR 1.3(b). Because the complaint was filed in July 2025, the undersigned finds it is in the interest of justice to deviate from the procedure set forth in LR 4.3(d)(1) and conduct preliminary review herself.

2013). Because the plaintiff is self-represented, the court construes his complaint liberally. See Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam). The court may dismiss claims at the preliminary review stage if the court lacks subject matter jurisdiction, a defendant is immune from the relief sought, the assertions in the complaint fail to state a claim upon which relief may be granted, or the claims are frivolous or brought in bad faith. 28 U.S.C. § 1915A(b).

## BACKGROUND

The following facts are drawn from plaintiff's complaint and the attachments thereto (doc. no. 1) as well as the complaint addendum (doc. no. 9). At approximately 4:00 a.m. on July 22, 2022, plaintiff was walking home from an acquaintance's house in Manchester. After plaintiff had an altercation with a neighbor, officers from the Manchester Police Department responded. When officers arrived, they pointed their guns at plaintiff and ordered him to put his hands in the air. Plaintiff sat down on the ground and raised his hands. After initially indicating that they would tase plaintiff, Officers Erik Slocum and William Regan tackled plaintiff and dragged him underneath the bed of a pick-up truck. Slocum and Regan turned plaintiff onto his stomach and then placed their knees on his neck and back. They then began punching plaintiff in his head in the left-temple area. As Slocum and Regan were punching plaintiff in the head, additional officers arrived. Upon arrival, Officer FNU Colburn began kicking plaintiff in his ribs and back and stomping on his head. Despite the alleged assaults, plaintiff contends he was in no way resisting or striking the officers.

At some point, the officers moved plaintiff from his stomach to his side. By this point, approximately seven officers were restraining or striking plaintiff. While plaintiff was positioned on his side, Officer Regan began striking plaintiff in his genitals, which caused intense pain and resulted in plaintiff attempting to bend his body and cover his genitals. When plaintiff did so, Officer Regan began striking plaintiff in the face again. Officer Regan's blows to plaintiff's face caused severe bleeding and loss of sight.<sup>2</sup> Onlookers exclaimed that the officers were "beating the shit out of" plaintiff for no reason. Doc. no. 1 at 8. In response, officers told the onlookers to "shut the fuck up." Id. On multiple occasions, plaintiff attempted to inform the officers that he could not breathe because their knees were on his neck.

Eventually, officers placed plaintiff in handcuffs. When they instructed him to "get up," plaintiff responded that he could not. Officers then forced plaintiff up from the ground and threw him into a wooden stairwell face-first, causing plaintiff to fall once more. A supervisor then told Officer Colburn to "relax" and "stand him up," leading Officer Colburn to tell plaintiff to "get the fuck up." Id. at 9. Plaintiff, still unable to stand on his own volition, was then forced up once again and shoved against a vehicle for support. Another officer said "slow it down, he's cuffed." Id. at 10. Officer Slocum called plaintiff the N-word multiple times during the assault.

Plaintiff sustained serious injuries. His injuries included a fractured right hand, dislocated shoulder, and severe damage to his left eye, resulting in continued

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<sup>2</sup> Plaintiff alleges that he continues to be blind in his left eye.

blindness. He has also suffered from intense psychological distress. He alleges that at no point did he strike or attempt to strike the officers.

## DISCUSSION

The complaint brings constitutional claims against the Manchester Police Department, the Department's Chief of Police (named as John Doe in the complaint), and Sergeant Eric Joyal, along with claims against Regan, Slocum, and Colburn. The court will first address the plausibility of any claims regarding the Department, the Chief, and Sergeant Joyal before turning to plaintiffs' claims against the line officers.

### I. Manchester Police Department

To hold a municipality liable under [42 U.S.C. § 1983](#), a plaintiff must show that his injuries were the result of either an official municipal policy or an unofficial custom amounting to a practice so widespread and permanent that it has the effect of an official policy. [Lavigne v. Great Salt Bay Cmty. Sch. Bd.](#), 146 F.4th 115, 125 (1st Cir. 2025). In the latter scenario, the plaintiff must show that the custom was so widespread that municipal policymakers can be said to have constructive knowledge of the custom and yet did nothing to end it, such that the tolerance of the custom was a deliberate policy decision. [Office of the Pub. Guardian v. Elliot Hosp.](#), 626 F. Supp. 3d 520, 531 (D.N.H. 2022). “For this reason, establishing the existence of a municipal custom requires more than proof that a particular course of action happened on one occasion.” *Id.* Moreover, at the pleading stage, it is insufficient to allege in conclusory fashion that one's injuries resulted from a municipal policy or

custom. Id. The plaintiff must generally allege “other instances of similar conduct that would give rise to an inference that policy makers knew of and tolerated the conduct.” Id.

Here, while plaintiffs’ allegations are alarming if true, he alleges no facts which make plausible the inference that his injuries stem from an adopted policy or a widespread municipal custom. His factual allegations are limited to the night of his arrest, and he does not allege facts permitting the inference that the alleged assault he bore occurs with any degree of regularity amongst Manchester Police officers. As such, his claims against the Manchester Police Department are inadequately pled and subject to dismissal.

## II. The Chief and Sergeant Joyal

There is no respondeat superior liability under 42 U.S.C. § 1983. Ayala Rodríguez v. Rullán, 511 F.3d 232, 236 (1st Cir. 2007). “A supervisor may be held liable only ‘if he or she formulates a policy or engages in a practice that leads to a civil rights violation committed by another.’” Seale v. Riordan, No. 98-481-JD, 2000 WL 1466135, at \*3 (D.N.H. Jan. 19, 2000) (brackets omitted) (quoting Camilo-Robles v. Hoyos, 151 F.3d 1, 7 (1st Cir. 1998)). In other words, “supervisory liability must be predicated on a supervisor’s own acts or omissions.” Ramirez-Lliveras v. Pagan-Cruz, 833 F. Supp. 2d 151, 158 (D.P.R. 2011). Here, the complaint does not allege any acts or omissions of the Police Chief or Sergeant Royal. As such, plaintiffs’ claims against these two defendants are inadequately pled and subject to dismissal.

### III. Officers Regan, Slocum, and Colburn

The complaint purports to bring Eighth Amendment claims against these officers. However, the protections of the Eighth Amendment apply “to people convicted of a crime,”; the Amendment is inapplicable in this case “because the alleged constitutional violation occurred during the plaintiff’s arrest.” Brown v. Lucas, Civ. No. 16-10977-GAO, 2017 WL 1227921, at \*2 (D. Mass. Mar. 31, 2017). Thus, any claims brought pursuant to the Eighth Amendment are dismissed.

However, the complaint does allege plausible Fourth Amendment claims against Officers Regan, Slocum, and Colburn. The Fourth Amendment forbids the excessive use of force incident to an arrest. Jennings v. Jones, 499 F.3d 2, 11 (1st Cir. 2007). “To establish a Fourth Amendment violation based on excessive force, a plaintiff must show that the defendant officer employed force that was unreasonable under the circumstances.” Id. “Considerations such as the following may bear on the reasonableness or unreasonableness of the force used: the relationship between the need for the use of force and the amount of force used; the extent of the plaintiff’s injury; any effort made by the officer to temper or limit the amount of force; the severity of the security problem at issue; the threat reasonably perceived by the officer; and whether the plaintiff was actively resisting.” Kingsley v. Hendrickson, 576 U.S. 389, 397 (2015).

Here, plaintiff has alleged facts which make plausible the inference that Officers Regan, Slocum, and Colburn, used objectively unreasonable force in effecting plaintiff’s arrest. Plaintiff alleges that he resisted arrest at no point and that he never struck the officers. When initially confronted, he sat down on the

ground and raised his hands in the air as requested. Despite this, plaintiff claims that Regan and Slocum tackled him to the ground, shoved him under a truck bed, repeatedly punched his face and genitals, and nearly suffocated him. Plaintiff alleges that Colburn struck him in the face as well, and threw him face-first into a staircase. Other officers on the scene are alleged to have recognized the excessiveness of these defendants' actions, admonishing them to "relax" and that plaintiff had already been handcuffed. Construing the alleged facts in the light most favorable to this pro se plaintiff and drawing all reasonable inferences in his favor, he has sufficiently alleged Fourth Amendment claims against Officers Regan, Slocum, and Colburn to permit service on these defendants. This ruling is without prejudice to any arguments defendants may raise in the future.

#### IV. Leave to Amend

The court dismisses plaintiffs' claims against the Manchester Police Department, Chief of Police, and Sergeant Joyal. However, in light of plaintiff's pro se status and his plausible claims against other named members of the Manchester Police Department, plaintiff may move for leave to amend his complaint to add additional factual allegations regarding the Manchester Police Department, the Chief of Police, and Sergeant Joyal. See Johnson v. Rapid Sheet Metal, LLC, 560 F. Supp. 3d 623 (D.N.H. 2020) (court should generally afford a pro se plaintiff raising federal constitutional claims an opportunity to amend a defective complaint unless it appears beyond doubt that amendment would be futile). Plaintiff must file any such request for leave to amend within 60 days. If plaintiff moves for leave to file an

amended complaint, the court will subject the proposed amended complaint to further preliminary review before ordering service on the Department, Chief, or Sergeant Joyal. If plaintiff does not move for leave to amend within sixty days or request an extension of time, the dismissal of his claims against those defendants will convert from “without prejudice” to “with prejudice.”

### CONCLUSION

Preliminary review is complete. The court will issue a service order on today’s date with respect to plaintiff’s excessive force claim against Officers Regan, Slocum, and Colburn. All of plaintiff’s Eighth Amendment claims are dismissed with prejudice, and his Fourth Amendment claims against the Manchester Police Department, its Police Chief, and Sergeant Joyal are dismissed without prejudice. On or before October 14, 2026, plaintiff may move for leave to amend his complaint, and his proposed amended complaint will be subject to further preliminary review. If the court does not receive a proposed amended complaint or a motion for extension of time by October 14, 2026, the dismissal of plaintiff’s claims as to the Department, the Chief, and Sergeant Joyal will convert from without prejudice to with prejudice.

SO ORDERED.

August 14, 2026

cc: Counsel of Record



Landya McCafferty  
United States District Judge