

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CARLOS SEBASTIAN ZAPATA RIVERA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 4:25-cv-13850
)	
DAVID JACKSON,)	
)	
Defendant.)	

NOTICE OF DEFENDANT DAVID JACKSON’S MOTION TO DISMISS

Defendant Officer David Jackson respectfully moves to dismiss, pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff Carlos Sebastian Zapata Rivera’s claim under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiff has no cause of action against Officer Jackson because Plaintiff’s implied damages claim presents a new context and special factors counsel against recognition of Plaintiff’s novel *Bivens* claim.

Officer Jackson is also entitled to qualified immunity as the objective facts this Court may consider on a motion to dismiss do not support Plaintiff’s assertion that Officer Jackson used unreasonable force under clearly established law.

A memorandum of law in support of this Motion is filed herewith.

Date: June 18, 2026

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

JONATHAN GUYNN
Deputy Assistant Attorney General
Torts Branch

SARAH E. WHITMAN
Assistant Director, Torts Branch

By: /s/ Patrick B. Fenior
PATRICK B. FENIOR
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Jackson*

L.R. 7.1 CERTIFICATION

I, Patrick B. Fenior, hereby certify that I conferred with Plaintiff's counsel before filing this motion but the parties were unable to resolve the issues raised in this motion.

Date: June 18, 2026

By: /s/ Patrick B. Fenior
PATRICK B. FENIOR
Trial Attorney
United States Department of Justice

CERTIFICATE OF SERVICE

I, Patrick B. Fenior, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Date: June 18, 2026

By: /s/ Patrick B. Fenior
PATRICK B. FENIOR
Trial Attorney
United States Department of Justice