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ADRIANO ALAIN CORTEZ)	
Plaintiff,)	
)	
v.)	No. 1:22-CV-00051-MSM-PAS
)	
DANIEL MARTIN, et al,)	
Defendants)	
)	
)	

Mary S. McElroy, United States District Judge.

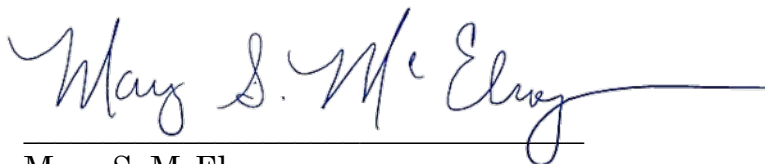
The Wyatt facility is under the jurisdiction of the Central Falls Detention Facility Corporation, its owner and operator. *Avcorr Management, LLC v. Central Falls Detention Facility Corporation*, 41 A.3d 1007, 1008 (R.I. 2012). It was

authorized by state statute to enter into a contract with the United States marshal's service. R.I.G.L. (1956) § 45-54-1. Whether the conduct of Wyatt correctional employees is state action or not has been answered in inconsistent ways by two earlier decisions of this Court. *Compare Glennie v. Garland*, No. C.A. 21-341JJM, 2023 WL 2265247, at *16 (D.R.I. Feb. 28, 2023) (not state action) *with Lacedra v. Donald W. Wyatt Det. Facility*, 334 F. Supp. 141, 140-41 (D.R.I. 2004) (state action).

The Court finds that the resolution of this issue depends in some measure on facts which cannot be determined on the record as it currently exists. No contract with federal officials is in evidence. The record does not reveal the extent to which operations are controlled by the Central Falls corporation, by the Central Falls City Council, or the relationship between the facility's Board of Directors (which is appointed by the Mayor, *see* <http://www.wyattdetention.com/About-Us/Administration/Board-of-Directors>) and the governing authorities at the institution. It also does not reveal anything about the employment status of the correctional officers and administration at Wyatt: are they federal employees or state employees and to whom are they accountable?

The Amended Motion to Dismiss (ECF No. 36) is DENIED.

IT IS SO ORDERED:

A handwritten signature in blue ink, reading "Mary S. McElroy", with a long horizontal flourish extending to the right.

Mary S. McElroy,
United States District Judge

Date: February 13, 2024

