

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-13016

CHRISTOPHER DEWAYNE BONNER,
as Heir to the Estate of Christopher Dewayne Mathis,
Plaintiff-Appellant,

versus

TIMOTHY WARD,
TREVONZA BOBBITT,
JOHN AND JANE DOES,
MARJORIE GLOVER,
JOSEPH LEON HALL, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Georgia
D.C. Docket No. 6:23-cv-00014-JRH-BKE

Before BRANCH and LUCK, Circuit Judges, and MORENO,^{*} District Judge.

PER CURIAM:

Christopher Mathis tragically died while in custody at Georgia State Prison. His son, on behalf of the estate, brought three claims against officers and supervisors at the prison under 42 U.S.C. section 1983, alleging that the conditions of Mathis's confinement, the failure to hire sufficient prison staff, and the failure to protect Mathis from other prisoners, violated his Eighth Amendment right to be free from cruel and unusual punishment. The district court dismissed the complaint for failure to state a claim. After careful review, and with the benefit of oral argument, we affirm the dismissal.

FACTUAL BACKGROUND

In 2011, Mathis was convicted of robbery by force and sentenced to twenty years of prison time. By 2019, he was serving his sentence at Georgia State Prison. Three incidents at the prison are relevant to his complaint.

First, Mathis was assaulted by an unknown prisoner in September 2020. After the attack, prison officers moved him from his initial dorm to a second dorm.

^{*} Honorable Federico A. Moreno, United States District Judge for the Southern District of Florida, sitting by designation.

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Second, on February 6, 2021, Mathis learned that a relative of the victim he robbed worked at the prison and this relative tried to pay another prisoner in Mathis's second dorm to kill him. To avoid the unknown prisoner, Mathis tried to sneak out of the second dorm, but prison officers caught him. Mathis told prison officers that he'd learned of "threats . . . against his own life" by "other offenders within his dormitory." In response, prison officers moved Mathis again—this time to the acute care unit, and then to a Tier II administrative segregation unit in a different building.

Third, once in the Tier II unit, Mathis was assigned to bunk with Semaj Lyquell Johnson. The night of February 25, 2021, twenty days after Mathis was moved from his second dorm, Johnson attacked and killed Mathis. Prison officers found Mathis's body the next morning, and he was pronounced dead shortly after.

PROCEDURAL HISTORY

Mathis (through his son) filed a three-count section 1983 complaint, alleging Eighth Amendment violations against officers and supervisors at the prison. First, he claimed that the prison's use of solitary, unsanitary cells, and deficient mental health treatment, were constitutionally inadequate conditions of his confinement. Second, he alleged that the supervisors failed to staff adequately the Tier II unit. And third, he asserted that the prison officers and supervisors failed to protect him from the other prisoners at the prison.

The prison officers and supervisors moved to dismiss for failure to state a claim, which the district court granted. As to Mathis's

conditions-of-confinement claim, the district court concluded that the allegations of solitary and unsanitary cells were not cruel and unusual. And Mathis did not allege that the prison officers and supervisors were deliberately indifferent to inadequate mental health treatment.

As to the failure-to-hire claim, the district court wrote that Mathis did not plausibly allege that the supervisors were on notice of the need to hire more staff for the Tier II unit. And as to the failure-to-protect claim, Mathis did not allege a causal connection between the threats at the initial and second dorms and the attack by Johnson in the Tier II unit. There were also no allegations, the district court explained, that Johnson posed a substantial threat to Mathis.

Mathis appeals the dismissal of his complaint.

STANDARD OF REVIEW

We review de novo a dismissal for failure to state a claim. *Myrick v. Fulton Cnty.*, 69 F.4th 1277, 1294 (11th Cir. 2023). “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Mere speculation will not do. *Twombly*, 550 U.S. at 555. “We accept the factual allegations in the complaint as true and construe them in the light most favorable to the plaintiff.” *Myrick*, 69 F.4th at 1294.

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DISCUSSION

We break up our discussion into three parts. First, we address the dismissal of Mathis’s conditions-of-confinement claim. Second, we consider the dismissal of his failure-to-hire claim. And third, we review the dismissal of his failure-to-protect claim.

The Conditions-of-Confinement Claim

Mathis alleged that three conditions in the prison’s Tier II unit combined to violate the Eighth Amendment: (1) solitary confinement; (2) unsanitary conditions; and (3) insufficient mental health treatment. But none of these—separately or together—amounted to unconstitutional conditions of confinement.

“[T]he Constitution does not mandate comfortable prisons” *Rhodes v. Chapman*, 452 U.S. 337, 349 (1981). Conditions that are “restrictive and even harsh . . . are part of the penalty that criminal offenders pay for their offenses against society.” *Id.* at 347. “Generally speaking, prison conditions rise to the level of an Eighth Amendment violation only when they ‘involve the wanton and unnecessary infliction of pain.’” *Chandler v. Crosby*, 379 F.3d 1278, 1289 (11th Cir. 2004) (quoting *Rhodes*, 452 U.S. at 347).

This high bar is reflected in the two-part test for “Eighth Amendment challenges to conditions of confinement.” *Id.* First, the prisoner must allege “that the condition he complains of is sufficiently serious to violate the Eighth Amendment.” *Id.* (citing *Hudson v. McMillian*, 503 U.S. 1, 8 (1992)). And second, he must plead that the “prison offic[ers] ‘acted with a sufficiently culpable state of

mind’ with regard to the condition at issue.” *Id.* (quoting *Hudson*, 503 U.S. at 8).

Applied to Mathis’s solitary-confinement allegations, there was no violation of the Eighth Amendment. “[A]dministrative segregation and solitary confinement do not, in and of themselves, constitute cruel and unusual punishment.” *Sheley v. Dugger*, 833 F.2d 1420, 1428–29 (11th Cir. 1987) (citing *Hutto v. Finney*, 437 U.S. 678, 686 (1978)). So, for example, a prisoner’s solitary confinement for three months to protect him from others does not violate the Eighth Amendment. *See McMahon v. Beard*, 583 F.2d 172, 175 (5th Cir. 1978) (holding that three months of solitary confinement to protect a prisoner who attempted suicide and faced “possible harm from other prisoners” did not violate the constitution).

Mathis was put in solitary confinement for far less than three months to protect him from the threat at the second dorm. He alleged that he was in a solitary cell for, at most, twenty days between leaving his second dorm and being attacked by Johnson in the Tier II unit. As in *McMahon*, this was not cruel and unusual. *See id.*

As to Mathis’s allegations that his solitary cell was unsanitary, they are vague and conclusory. *See Iqbal*, 556 U.S. at 678 (“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” (citing *Twombly*, 550 U.S. at 555)). There is no doubt that “the deprivation of basic sanitary conditions can constitute an Eighth Amendment violation.” *Brooks v. Warden*, 800 F.3d 1295, 1304 (11th Cir. 2015).

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But a conditions-of-confinement claim requires sufficient factual content establishing an “extreme deprivation[].” *Thomas v. Bryant*, 614 F.3d 1288, 1304 (11th Cir. 2010).

His most specific allegation was that the prison experienced “significant issues with the cleanliness and functionality of [its] shower facilities” and that prisoners “often d[id] not actually receive the . . . ability to shower.” But these allegations were not specific to Mathis. Mathis did not allege that he had significant issues with the cleanliness and functionality of his showers and he did not plead that he lacked the ability to shower. To state a conditions-of-confinement claim, Mathis had to allege that he actually faced the unconstitutional condition. *See Chandler*, 379 F.3d at 1289 (“[A prisoner] must at the very least show that a condition *of his* confinement ‘poses an unreasonable risk of serious damage *to his* future health’ or safety.” (emphasis added) (quoting *Helling v. McKinney*, 509 U.S. 25, 35 (1993))).

Mathis’s allegations also shed no light on the extent or duration of the shower problems. Two or three showers a week, for example, do not violate the Eighth Amendment. *See Dorrough v. Hogan*, 563 F.2d 1259, 1262 (5th Cir. 1977) (“[E]ach prisoner’s[] individual hygienic needs are adequately met by . . . access to the shower facilities at least two, generally three, times a week.”). Mathis didn’t say how often prisoners lacked the ability to shower. Without more, Mathis’s vague allegations did not plausibly allege the extreme deprivation necessary to state an unsanitary-conditions claim.

Finally, Mathis failed to state a claim for inadequate mental health treatment at the prison because he did not allege that he was deprived of treatment. His complaint only alleged that prisoners generally lacked access to necessary mental health treatment in Tier II. For example, Mathis pleaded that “the individuals housed in [Tier II] [were] often not provided with the requisite or necessary mental health services or treatment,” that “[o]ffenders often [did] not have the opportunity to see or speak with a psychiatrist,” and that “it [was] not uncommon for individuals at [the prison] . . . to be deprived of the [psychiatric] drugs they need” None of these allegations show that Mathis was denied necessary mental health treatment, that he was not able to speak to a psychiatrist, or that he was deprived of medications. General allegations about the treatment received by other prisoners cannot establish that Mathis’s constitutional rights were violated. *See Chandler*, 379 F.3d at 1289; *see also Marbury v. Warden*, 936 F.3d 1227, 1234 (11th Cir. 2019) (“[A] plaintiff must show more than a generalized awareness of risk to make out a deliberate-indifference claim.” (citation modified)).

While the allegations, individually, were insufficient to state a conditions-of-confinement claim, Mathis argues that it was not any one condition, but the combination of the conditions at the prison that violated the Eighth Amendment. Yet even looking at the conditions together, they were not sufficiently severe to state an Eighth Amendment claim.

It's true that "[s]ome conditions of confinement may establish an Eighth Amendment violation 'in combination' when each would not do so alone, but only when they have a mutually enforcing effect that produces the deprivation of a single, identifiable human need such as food, warmth, or exercise" *Wilson v. Seiter*, 501 U.S. 294, 304 (1991). "Nothing so amorphous as 'overall conditions' can rise to the level of cruel and unusual punishment when no specific deprivation of a single human need exists." *Id.* at 305.

Here, Mathis failed plausibly to allege that these conditions deprived Mathis of a "single, identifiable human need." *See id.* at 304–05. He argues that the prison officers and supervisors endangered his safety by "creat[ing] the conditions possible for a third-party to take [his] life" But he does not explain how solitary confinement and unsanitary showers affected his physical safety from other prisoners. If anything, as Mathis alleged, he was placed in a solitary (and unsanitary) cell to protect him from threats from other prisoners. The solitary cell made him safe; it didn't endanger his safety.

Whether considered alone or together, Mathis's conditions-of-confinement claim failed to allege a constitutional violation.

The Failure-to-Hire Claim

Next, we turn to Mathis's failure-to-hire claim. Mathis alleged that supervisors at the prison failed to hire sufficient staff in the Tier II unit.

Under section 1983, supervisors “are not liable . . . for the unconstitutional acts of their subordinates on the basis of respondeat superior or vicarious liability.” *Hartley v. Parnell*, 193 F.3d 1263, 1269 (11th Cir. 1999) (citation modified). Instead, they are liable only where “the supervisor personally participate[d] in the alleged unconstitutional conduct or when there is a causal connection between the actions of a supervis[or] and the alleged constitutional deprivation.” *Cottone v. Jenne*, 326 F.3d 1352, 1360 (11th Cir. 2003). A prisoner can show a causal connection by alleging: (1) “a history of widespread abuse [that] put[] the responsible supervisor on notice of the need to correct the alleged deprivation, and he fail[ed] to do so”; (2) “the supervisor’s improper custom or policy resulted in deliberate indifference to constitutional rights”; or (3) “the supervisor directed the subordinates to act unlawfully or knew that the subordinates would act unlawfully and failed to stop them from doing so.” *Gonzalez v. Reno*, 325 F.3d 1228, 1234–35 (11th Cir. 2003) (citation modified).

Here, Mathis relied on the first theory to show a causal connection. He alleged that there was widespread prisoner violence at the prison, pointing to five deaths before Mathis was killed, which, he claims, put the supervisors on notice that there was insufficient staff in the Tier II unit.¹ But to show a causal connection, “[t]he

¹ Mathis also alleged several deaths that occurred at other Georgia prisons or at Georgia State Prison after Mathis died. But Mathis did not plead that the deaths at the other prisons were caused by staffing shortages. And even if they were, the other deaths did not show staffing shortages at Georgia State Prison when Mathis was serving his sentence. The deaths after Mathis was killed

deprivations . . . must be obvious, flagrant, rampant and of continued duration, rather than isolated occurrences.” *Brown v. Crawford*, 906 F.2d 667, 671 (11th Cir. 1990). Except for one incident, the deaths Mathis alleged in his complaint had no connection to the staffing levels at the prison or prisoner violence in Tier II. Only one of the five deaths occurred because of prisoner-on-prisoner violence in the Tier II unit.² And Mathis did not allege that the one incident was related to inadequate staffing. In any event, one prior incident is insufficient to show a causal connection. *Knight ex rel. Kerr v. Miami-Dade Cnty.*, 856 F.3d 795, 820 (11th Cir. 2017) (“But one incident will not suffice; rather, the deprivations that constitute widespread abuse sufficient to notify the supervis[or] must be obvious, flagrant, rampant, and of continued duration, rather than isolated occurrences.” (citation modified)).

Mathis also alleged that the supervisors knew about the inadequate staffing because they received internal and external reports noting staffing concerns. But “a generalized policy of understaffing” is not enough to state a failure-to-hire claim. *McDowell v. Brown*, 392 F.3d 1283, 1291 (11th Cir. 2004). Mathis had to plead that the supervisors had “a deliberate intent to inadequately staff”

could not have put the supervisors on notice of staffing shortages at the time of Mathis’s death.

² Two of the five deaths were because of prisoner-on-prisoner violence in a non-Tier-II dorm; one resulted from a lack of medical attention—having nothing to do with prisoner violence; and one had no known cause. There is no indication that inadequate staffing in the Tier II unit caused any of these deaths.

the prison. *Id.* (citation modified). Because he didn't do so, we agree with the district court that he did not plausibly allege a failure-to-hire claim.

The Failure-to-Protect Claim

Finally, we address Mathis's failure-to-protect claim. He alleged that the prison officers and supervisors failed to protect him from threats posed by both: (1) the prison population generally; and (2) Johnson specifically. But Mathis failed plausibly to allege that the prison officers or supervisors were subjectively aware of a substantial risk of serious harm to Mathis under either theory.

For a failure-to-protect claim to survive a motion to dismiss, a prisoner "must allege facts sufficient to show '(1) a substantial risk of serious harm; (2) the defendants' deliberate indifference to that risk; and (3) causation.'" *Lane v. Philbin*, 835 F.3d 1302, 1307 (11th Cir. 2016) (quoting *Hale v. Tallapoosa Cnty.*, 50 F.3d 1579, 1582 (11th Cir. 1995)). We measure whether there is a substantial risk of serious harm "using an objective standard." *Brooks*, 800 F.3d at 1301. "There must be a strong likelihood of injury, rather than a mere possibility, before an offic[er]'s failure to act can constitute deliberate indifference." *Id.* (citation modified).

For a prison officer or supervisor to act with deliberate indifference, the "plaintiff must demonstrate that the defendant acted with 'subjective recklessness as used in the criminal law.'" *Wade v. McDade*, 106 F.4th 1251, 1262 (11th Cir. 2024) (en banc) (quoting *Farmer v. Brennan*, 511 U.S. 825, 839 (1994)). That means that a prisoner "must show that the defendant was actually, subjectively

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aware that his own conduct caused a substantial risk of serious harm.” *Id.*

As to Mathis’s first failure-to-protect theory, he failed to allege that threats by the general prison population caused his death. Mathis cited two threats the prison officers knew about—the September 2020 attack where Mathis was assaulted in the initial dorm by an unnamed prisoner, and the alleged “threats . . . against his own life” by “other offenders within his [second] dormitory” that he reported to prison officers in February 2021.

Neither incident was connected to Johnson’s attack. And they show that the prison officers responded reasonably by moving Mathis away from the threats. *See id.* (explaining that a prison officer “cannot be found liable” for an Eighth Amendment violation “if he responded reasonably to the risk” (citation modified)); *Mosley v. Zachery*, 966 F.3d 1265, 1270–71 (11th Cir. 2020) (requiring prison officers to “take reasonable measures to guarantee the safety of the inmates”). When the prison officers heard about the attack in Mathis’s initial dorm, they immediately moved him. And when they learned about the threats in the second dorm, they moved him again. A prison officer “respond[s] reasonably to [a] known risk by placing [the prisoner] in protective custody and seeking a transfer” to another facility. *See McClinton v. Warden, Baldwin State Prison*, 172 F.4th 1276, 1284 (11th Cir. 2026). Mathis has “pointed to no evidence that [the prison officers were] subjectively aware that [their] decision to transfer [him] to another [dorm] would place [him] at risk of serious harm.” *Id.*

As to Mathis's second failure-to-protect theory, he failed to allege that the prison officers and supervisors were subjectively aware that Johnson posed a substantial risk of serious harm to Mathis. He did not allege that Johnson threatened Mathis or planned to harm him. And there was nothing in the complaint that indicated a substantial risk that Johnson would attack his cellmate.

Instead, Mathis alleged that prison officers should have known that Johnson posed a threat to Mathis because Johnson had been convicted of violent felonies, including aggravated assault, armed robbery, and possession of a firearm; his designation to the Tier II unit indicated he was a threat to the prison's safety; and Johnson was younger and physically larger than Mathis.³ But to successfully allege that a prisoner posed a substantial risk of serious harm to another prisoner, "there must be more than mere awareness of [the prisoner]'s generally problematic nature"; "the prison offic[er] must be aware of specific facts from which an inference could be drawn that a substantial risk of serious harm exists" and must "draw that inference." *Carter v. Galloway*, 352 F.3d 1346, 1349 (11th Cir. 2003). Here, Mathis's complaint did not allege any specific facts. Without specific facts that Johnson was a serious risk of

³ Mathis also argues that evidence discovered while this case was on appeal supports that Johnson posed a substantial risk of serious harm to Mathis. But we will not consider new evidence that was not pleaded in the complaint or raised before the district court. *Selman v. Cobb Cnty. Sch. Dist.*, 449 F.3d 1320, 1332 (11th Cir. 2006).

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harm to Mathis, there was nothing to support a failure-to-protect claim.

AFFIRMED.