

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10034

HAROLD DOMBROWSKI,

Plaintiff-Appellant,

versus

WILSON,

COBBS,

O. JELKS,

In Their Individual Capacities,

Defendants-Appellees,

K. FONGEALLAZ, et al.,

Defendants.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 3:21-cv-01199-WWB-PDB

Before NEWSOM, LUCK, and TJOFLAT, Circuit Judges.

PER CURIAM:

Harold Dombrowski is an inmate at the Hamilton Correctional Facility in Jasper, Florida. While cooking in the prison's kitchen, he fell and broke his hip. He sued three prison officials under 42 U.S.C. section 1983, alleging that they violated the Eighth Amendment by not providing him with boots for his cooking job and by delaying medical treatment after he fell. The district court granted summary judgment for the officials, concluding that Dombrowski couldn't show they were actually, subjectively aware that their actions caused him a substantial risk of serious harm. After careful review, and with the benefit of oral argument, we affirm.

FACTUAL BACKGROUND

As part of Hamilton Correctional's work-assignment system, Dombrowski was assigned as a kitchen cook. While he was cooking, he initially wore state-issued Crocs, although prison policy called for cooks to wear boots. Dombrowski cooked without incident from August 2019 until December 2019, when he slipped and fell on the floor. He wasn't seriously injured in the December 2019 incident. The next day, Dombrowski returned to work, where he was given a pair of boots to wear.

In July 2020, Dombrowski's prison dorm was quarantined due to a Covid-19 outbreak among the food service workers. As a result, the quarantined workers had to turn in their boots so that other food service staff could use them. The quarantine ended in September 2020, and Dombrowski went back to his cooking duties. When he returned to the kitchen, Dombrowski met with the two

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prison officials in charge, Officer Quashonia Jelks and Officer Selena Cobbs, and “explained that [he] needed safety boots for [his] job.” Officer Jelks and Officer Cobbs told him they didn’t have any boots for him to wear. When Dombrowski reminded them of the December 2019 incident and insisted on having the boots before he would work in the kitchen, the officials told him that refusing orders to work would result in a disciplinary report, confinement, and loss of gain time. So Dombrowski agreed to go back to work in his Crocs. Dombrowski later tried again to ask for boots, appealing to the prison’s food service director, Chatara Wilson, but she told him she “[didn’t] have time for” his complaint.

In the early morning, three days after returning to work, Dombrowski was stirring an eighty-gallon kettle of oatmeal in the kitchen. When he started to pour the oatmeal out of the kettle, he slipped on the wet floor and hurt his right hip. Dombrowski was in pain and unable to walk on his right leg. He told Officer Jelks he had a medical emergency and asked her to call for help, which she did. At first, Dombrowski told Officer Jelks he thought he could pop the hip back into place and go back to work, but he was unable to do so, and his hip continued to hurt. After about thirty minutes, Dombrowski asked Officer Jelks what was taking the medical team so long to respond. Officer Jelks explained that the medical personnel were checking the other prisoners in the dorm for Covid-19 symptoms and that they would tend to Dombrowski when they finished.

Eventually, two other inmates laid Dombrowski on a bench in the kitchen, where he waited for thirty more minutes, periodically asking Officers Jelks and Cobbs about the status of his medical help. They brushed him off and “minimized [his] injuries.” Dombrowski believed Officers Jelks and Cobbs “thought [he] was taking revenge and faking a fall or injury because [he] didn’t want to work without boots.”

After lying on the bench for a half hour, Dombrowski was crying from pain. He was carried into the dining area because it was time for the prisoners to be counted. After the count, Dombrowski remained in the dining area with some other inmates for several hours. Finally, about “five or six hours” after Dombrowski’s fall, another inmate got the attention of a sergeant, who came into the dining area, asked Dombrowski what was wrong, and called again for medical help. Five minutes later, a medical team arrived with a stretcher to transport Dombrowski to the prison’s medical center. The medical staff warned Dombrowski that if he was faking his injuries, he was “going to jail.”

In the medical center, Dombrowski was diagnosed with Covid-19 and isolated for three days. Finally, medical staff performed x-rays that showed “a right femoral neck fracture which required emergency surgery.” Two days later, he was transferred to the Orlando Regional Medical Center where he underwent a total right hip replacement.

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PROCEDURAL HISTORY

Dombrowski sued Director Wilson and Officers Jelks and Cobbs under section 1983, asserting they violated his Eighth Amendment rights by (1) forcing him to work in the kitchen without boots and (2) failing to get timely medical treatment for his hip injury. After discovery, the prison officials moved for summary judgment.

The officials did not dispute that Dombrowski's hip injury was sufficiently serious to support a constitutional claim. But there was no evidence, they argued, that they had subjectively disregarded a substantial risk of serious injury to Dombrowski—either as to the boots claim or as to the delayed-medical-treatment claim. Further, they contended, as to the delayed-medical-treatment claim, there was no evidence that anything they did caused the delay.

The district court granted summary judgment for the prison officials on both claims. As to the boots claim, the district court explained that “there [was] no evidence” the prison officials were subjectively aware that not giving Dombrowski boots “would put him at a substantial risk of serious harm such that they [could] be held liable under the stringent Eighth Amendment standard.” At most, the district court wrote, the evidence showed that the officials had known of “a possibility of harm” from requiring Dombrowski to work in the kitchen without boots. But there was no evidence to “conclude [the officials] were aware of a substantial risk

of serious harm and, with such knowledge, were deliberately indifferent to the risk.”

As to the delayed-medical-treatment claim, the evidence showed that the prison officials “perhaps thought [Dombrowski] was faking an injury.” And based on Dombrowski’s testimony that he told Officer Jelks he might be able to pop his hip back in place and go back to work, there was no reason to believe his injury was serious. “[T]he evidence permit[ted] one of two conclusions,” the district court explained. Either the prison officials did not recognize the seriousness of Dombrowski’s injury, or they did recognize it and called for medical help, but the medical team was delayed in responding for reasons beyond the officials’ control. Either way, the evidence didn’t “permit the reasonable inference” that the prison officials were subjectively aware of a serious risk to Dombrowski and responded unreasonably.

DISCUSSION

Dombrowski challenges the summary judgment for the prison officials on both claims. We’ll begin by reviewing his boots claim, and then we’ll turn to the delayed-medical-treatment claim.¹

The boots claim

“Section 1983 imposes liability for violations of rights protected by the Constitution” *Baker v. McCollan*, 443 U.S. 137,

¹ We review de novo a district court’s summary judgment. *L. Squared Indus., Inc. v. Nautilus Ins. Co.*, 156 F.4th 1147, 1152 (11th Cir. 2025).

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146 (1979). “To sustain a cause of action based on section 1983, the [prisoner] must establish two elements: (1) that [he] suffered a deprivation of ‘rights, privileges or immunities secured by the Constitution and laws’ of the United States, and (2) that the act or omission causing the deprivation was committed by a person acting under color of law.” *Wideman v. Shallowford Cmty. Hosp., Inc.*, 826 F.2d 1030, 1032 (11th Cir. 1987) (quoting *Dollar v. Haralson Cnty.*, 704 F.2d 1540, 1542–43 (11th Cir. 1983)). “In addition, section 1983 requires proof of an affirmative causal connection between the official’s acts or omissions and the alleged constitutional deprivation.” *Zatler v. Wainwright*, 802 F.2d 397, 401 (11th Cir. 1986).

Dombrowski alleged the deprivation of his rights under the Eighth Amendment. The Eighth Amendment prohibits the infliction of “cruel and unusual punishments,” U.S. Const. amend. VIII, which includes “the treatment a prisoner receives in prison and the conditions under which he is confined,” *Helling v. McKinney*, 509 U.S. 25, 31 (1993). To establish liability under the Eighth Amendment, the prisoner must show: first, “as a threshold matter, that he suffered a deprivation that was ‘objectively, sufficiently serious’”; and second, that the prison officials were “actually, subjectively aware that [their] own conduct caused a substantial risk” to the prisoner. *Wade v. McDade*, 106 F.4th 1251, 1262 (11th Cir. 2024) (en banc) (quoting *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)). Even if the officials actually knew of a substantial risk to the prisoner’s health or safety, they cannot be found liable if they responded reasonably to the risk. *Id.*

We agree with the district court that Dombrowski has not shown the prison officials were actually, subjectively aware that their disregard of the boots policy would cause a substantial risk of serious harm. “[L]ack of issued boots for work was standard practice” in the kitchen. Yet despite the standard practice, there was no evidence that the prison officials were aware of prior serious injuries from slipping on the kitchen floor that would have put them on notice that there was a substantial risk from not wearing boots. In fact, Dombrowski worked in the kitchen without boots for five months without a slipping incident. And the one time he did fall before the hip injury, there was no serious harm. Dombrowski was back at work the next day.

Dombrowski offers three pieces of evidence to argue otherwise. First, he points to the prison’s policy requiring boots for food service workers. But the failure to follow or enforce a prison policy does not, absent more, establish actual, subjective awareness of a substantial risk of serious harm. *See Marbury v. Warden*, 936 F.3d 1227 (11th Cir. 2019) (explaining that prison officials’ failure to “follow policy in reporting potential threats [to inmates] up the chain of command” does not establish deliberate indifference “without corresponding subjective awareness of a serious risk of harm”).

Second, Dombrowski relies on prior incidents where other food service workers slipped and fell in the kitchen. From those incidents, he contends, a jury could infer that the officials were subjectively aware of a substantial risk of serious injury. But Dombrowski presented no evidence that the officials were aware of any

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of these prior incidents. And even if they were aware of them, there's no evidence any of the prior incidents caused a serious injury. If anything, the prior incidents show that the officials had no reason to believe Dombrowski was at substantial risk since none of the prior incidents resulted in a serious injury. "There must be a 'strong likelihood' of injury, 'rather than a mere possibility,' before an official's failure to act can constitute deliberate indifference." *Brooks v. Warden*, 800 F.3d 1295, 1301 (11th Cir. 2015) (quoting *Brown v. Hughes*, 894 F.2d 1533, 1537 (11th Cir. 1990) (per curiam)).

Finally, Dombrowski argues that his own December 2019 incident put the officials on notice that a serious injury like his hip fracture could occur. Although the record shows that the officials knew about the December 2019 incident, that fall couldn't have put the officials on notice of a substantial risk of serious harm. His injury from the fall was minor. He took some ibuprofen, went back to the dorm, and returned to work the following day. Again, if anything, the December 2019 incident shows that the prison officials knew that slips did not cause serious injuries.

In short, there was no summary-judgment evidence that the officials were subjectively aware of a substantial risk of serious harm to Dombrowski from working in the kitchen without boots. Because that failure was fatal to Dombrowski's boots claim, the district court did not err by granting summary judgment for the prison officials.

The delayed-medical-treatment claim

Turning to Dombrowski's delayed-medical-treatment claim, for two reasons, the district court properly granted summary judgment for the prison officials. First, as with the boots claim, there was no evidence that the prison officials were "subjectively aware that [their] own conduct . . . put [Dombrowski] at substantial risk of serious harm." *Wade*, 106 F.4th at 1258. Officers Jelks and Cobbs did not think Dombrowski's injury was serious. That's because, after he fell, Dombrowski told Officers Jelks and Cobbs the fall wasn't serious; he thought he "just might have popped [his] hip out of place," and he might be able to "pop it back in." And when Dombrowski continued to complain, Officers Jelks and Cobbs thought he was faking the extent of the injury.

Second, the summary-judgment evidence showed that the prison officials did not cause the delay in treatment. Officer Jelks immediately called the medical unit when Dombrowski asked her to do so. As Dombrowski acknowledged, "Officer Jelks called medical for a wheelchair (medical emergency) at about 4:30 am"—right after the fall. But the medical team didn't come right away because it was "doing Covid temperature checks" in the prison. The medical treatment was delayed not because of anything the prison officials did, but because the medical unit did not immediately respond to Officer Jelks's call. *See Wade*, 106 F.4th at 1261; *Marbury*, 936 F.3d at 1233 (explaining that, to make out a case of deliberate indifference, a plaintiff "must show a 'necessary causal link' between [an] officer's failure to act reasonably and the plaintiff's injury" (quoting

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Rodriguez v. Sec’y for Dep’t of Corr., 508 F.3d 611, 622 (11th Cir. 2007))).

In response, Dombrowski argues that, although Officer Jelks “said she would” call the medical unit, she “apparently failed to do so” based on the delay. But that’s not what the record shows. In his grievance form, Dombrowski averred that Officer Jelks called the medical unit right away and asked for a wheelchair. And he didn’t present any evidence to the contrary.

CONCLUSION

For these reasons, the district court did not err by granting summary judgment for the prison officials on Dombrowski’s boots and delayed-medical-treatment claims. So, we affirm.

AFFIRMED.