

United States Court of Appeals
For the Eighth Circuit

No. 25-1374

Jarell Davis Terry

Plaintiff - Appellant

v.

Dexter Payne, Director, ADC; William F. Straughn, Deputy Director, ADC;
Gaylon Lay, Retired Warden, ADC; Kenyon Randle, EARU, ADC; Marcus
Etherly, Captain, EARU, ADC; Sweatman, Maintenance Supervisor, EARU, ADC

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Arkansas - Delta

Submitted: September 23, 2026
Filed: October 30, 2026

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

BENTON, Circuit Judge.

Jarell D. Terry spent almost three months in a jail cell without air conditioning in the summer in Brickeys, Arkansas. He sued Arkansas Department of Corrections (ADC) officials for violating his Eighth Amendment rights under 42 U.S.C. § 1983.

The district court¹ granted summary judgment to the officials, based on qualified immunity. Terry appeals. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

I.

Terry was in punitive isolation at the ADC from May 2022 to July 17, 2022. According to Terry, temperatures in his cell exceeded 90 degrees daily. He believes that the excessive heat caused migraines, extreme dizziness, lightheadedness, heat flashes, and chest pains.

The ADC does not have central air conditioning in its punitive isolation units. Mitigating the effects of the heat were removable wall panels to increase air flow, sinks for drinking water, exhaust fans in the hallways for ventilation, and, at times, portable air conditioning units.

While in isolation, Terry made numerous sick calls. A third-party company, Well Path, provides healthcare to inmates. When Terry placed sick calls, Well Path did a checkup, in addition to the regularly scheduled nurse visits. Well Path did recommend a mental health evaluation for him but provided no other instructions about his medical care to prison officials. Well Path has a protocol for checking for heat exhaustion. When assigning inmates to cells, ADC officials rely on Well Path's reports. Generally in good physical condition, Terry was never diagnosed with any heat-related illness.

Terry *pro se* sued six ADC prison officials for exposing him to excessive heat. The magistrate judge recommended dismissing all official capacity claims and granting summary judgment on the conditions-of-confinement claim. Largely

¹The Honorable Lee P. Rudofsky, United States District Judge for the Eastern District of Arkansas, adopting the findings and recommendations of the Honorable Jerome T. Kearney, Chief Magistrate Judge, United States District Court for the Eastern District of Arkansas.

adopting the magistrate judge’s findings, the district court granted summary judgment to the prison officials on his conditions-of-confinement claim. Terry appeals.

II.

This court reviews de novo a grant of summary judgment. ***Christianson v. McLean Cnty.***, 176 F.4th 1076, 1083 (8th Cir. 2026). “Summary judgment is proper if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” ***Torgerson v. City of Rochester***, 643 F.3d 1031, 1042 (8th Cir. 2011) (en banc), *citing Fed. R. Civ. P. 56(a)*. This court also reviews de novo a ruling that defendants are entitled to qualified immunity. *See Jones v. Faulkner Cnty.*, 131 F.4th 869, 874 (8th Cir. 2025).

“Qualified immunity shields government officials from liability when their conduct does not violate clearly established constitutional rights of which a reasonable person would have known.” ***Hamilton v. Earl***, 166 F.4th 1143, 1146 (8th Cir. 2026). To determine whether an official is entitled to summary judgment on the basis of qualified immunity, this court reviews (1) whether the facts alleged, construed most favorably to the plaintiff, establish a violation of a constitutional or statutory right, and (2) whether the right was clearly established when the alleged violation occurred, such that a reasonable official would have known his actions were unlawful. ***Williams v. Holley***, 764 F.3d 976, 979 (8th Cir. 2014). “The defendant is entitled to qualified immunity unless the answer to both of these questions is yes. The court may consider them in either order.” ***McDaniel v. Neal***, 44 F.4th 1085, 1089 (8th Cir. 2022).

Although “the Eighth and Fourteenth Amendments don’t mandate comfortable prisons, they do prohibit inhumane ones; and prison officials must ensure that inmates ‘receive adequate food, clothing, shelter, and medical care.’”

Hamilton, 166 F.4th at 1146, quoting *Farmer v. Brennan*, 511 U.S. 825, 832 (1994).

To establish a violation, Terry must demonstrate that the defendants acted, at a minimum, with deliberate indifference toward him. *Id.* “Deliberate indifference has both an objective and a subjective component.” *Vaughn v. Gray*, 557 F.3d 904, 908 (8th Cir. 2009). “The objective component requires a plaintiff to demonstrate an objectively serious medical need.” *Id.* “The subjective component requires a plaintiff to show that the defendant actually knew of, but deliberately disregarded, such need.” *Id.* This requires more than mere negligence or the ordinary lack of due care for a prisoner’s safety. See *Letterman v. Does*, 789 F.3d 856, 862 (8th Cir. 2015). It is even more than gross negligence. See *Estate of Rosenberg by Rosenberg v. Crandell*, 56 F.3d 35, 37 (8th Cir. 1995). Liability requires a showing that the defendants acted with a highly culpable state of mind that resembles criminal-law recklessness, approaching actual intent. See *Kulkay v. Roy*, 847 F.3d 637, 643 (8th Cir. 2017). The evidence must demonstrate that officers knew of a substantial risk of harm and that their conduct was inappropriate in light of that risk. *Letterman*, 789 F.3d at 862.

Even assuming that Terry could demonstrate an objectively serious medical need, he cannot show that prison officials deliberately disregarded it.

This case is almost identical to *Hamilton*, where this court found: “Even if the three defendants had known . . . that a substantial risk of harm or a serious medical need existed, the record lacks sufficient evidence to support a finding that they responded to the risk or need inappropriately, much less that they knew they had responded inappropriately.” *Hamilton*, 166 F.4th at 1146–47. Like the plaintiff in *Hamilton*, Terry “did not have a documented medical restriction directing that he should not be exposed to high temperatures.” *Id.* at 1147. It is “therefore difficult to fault the defendants for concluding that [Terry] could be housed in a cell without air conditioning.” *Id.*

Terry placed about 20 sick calls while in isolation—about half related to heat—along with checkups and other medical care. In *Hamilton*, this court emphasized that “defendants, lacking medical expertise, cannot be said to have been deliberately indifferent when they sought and received a doctor’s guidance and then didn’t act in any way contrary to it.” *Id.* Terry acknowledges that the Well Path nurses and doctors “did their job.” The medical professionals never indicated that Terry should not be exposed to high temperatures.

Terry was never diagnosed with any heat-related illness. Besides recommending a mental health evaluation, the medical professionals provided prison officials no other instructions about Terry’s medical care. Terry was not “thrown in isolation and forgotten about; he was monitored and was responded to when he had medical needs and voiced physical discomfort.” *Id.* at 1148. Like the defendants in *Hamilton*, “the defendants simply aren’t deliberately indifferent for taking the doctor[s] at [their] word” that Terry did not have a heat-related illness and had no medical restriction related to heat. *Id.* at 1147.

Terry acknowledges that prison officials took several steps to mitigate the heat in his cell, including removing him for a “cooldown period,” using “removable wall panels; exhaust fans; [and] portable AC units,” and having access to “potable sink water.” This court approved almost the same mitigating measures in *Hamilton*, finding that they showed a lack of deliberate indifference. *Id.* at 1148 (“Prison officials installed and ran portable air conditioners in the isolation units. They also kept doors open to the main hall that was air conditioned so that cool air could circulate into the isolation units.”).

Although Terry “disputes that these measures were effective in lowering the temperature,” “he doesn’t dispute that prison officials undertook them.” *Id.* “Genuine attempts to mitigate [Terry]’s difficulties, even if ineffective, suggest that prison officials were not deliberately indifferent to [Terry]’s situation.” *Id.*

Because the defendants were not deliberately indifferent to Terry's medical needs, the district court properly granted summary judgment.

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The judgment is affirmed.
