

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Patrick Stewart v. Jeff Zmuda, et al.

Stewart v. Zmuda · No. 25-3256-JWL · Decided January 15, 2026

SUMMARY

The United States District Court for the District of Kansas orders pro se prisoner Patrick Stewart to show cause why his 42 U.S.C. § 1983 action should not be dismissed. The court concludes that the allegations concerning improperly fitting prison boots do not plausibly establish an Eighth Amendment violation, that the claims against supervisory defendants lack personal participation allegations, and that punitive damages are unsupported. The court denies appointment of counsel and extends the deadlines for responding and paying the initial partial filing fee.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	January 15, 2026
DOCKET	25-3256-JWL
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner proceeding pro se under 42 U.S.C. § 1983 filed a complaint concerning allegedly inadequate prison footwear and related foot pain. The court screened the complaint under 28 U.S.C. § 1915A, denied appointed counsel, and ordered Plaintiff to show cause why the action should not be dismissed.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915A, the court must dismiss a prisoner's complaint or portion of it if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. On screening, well-pleaded allegations are accepted as true, pro se pleadings are liberally construed, and the complaint must contain sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Patrick Stewart v. Jeff Zmuda, Don Langford, Scott Hoss

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

civil rights

civil procedure

PRACTICE AREAS

prisoner civil rights

constitutional law

civil procedure

§ 1983 litigation

Eighth Amendment

QUESTIONS PRESENTED

1. Whether the allegations concerning delayed provision of properly fitting prison boots stated an Eighth Amendment deliberate-indifference or conditions-of-confinement claim.
2. Whether the claims against the Secretary of the Kansas Department of Corrections and the prison warden failed for lack of allegations showing personal participation.
3. Whether the allegations supported an award of punitive damages under § 1983.
4. Whether appointment of counsel was warranted in the civil-rights action.

HOLDINGS

1. The complaint did not plausibly allege an objectively sufficiently serious deprivation or deliberate indifference resulting in substantial harm; the alleged delay in obtaining properly fitting boots therefore failed to state an Eighth Amendment claim.
2. The claims against Zmuda and Langford were subject to dismissal because the complaint did not allege their direct personal participation in the asserted constitutional violation.
3. The punitive-damages request was subject to dismissal because Plaintiff alleged no facts showing evil motive, intent, reckless indifference, or callous indifference to federally protected rights.
4. The court denied Plaintiff's motion for appointment of counsel because the merits of the claims were unclear, the issues were not complex, and Plaintiff appeared capable of presenting the facts and arguments.

KEY QUOTATIONS

“The fact that it then took approximately 44 days for the proper boots to arrive and be given to Plaintiff does not demonstrate deliberate indifference on the part of the defendants, and the delay in receiving the boots did not result in any permanent injury.” (Section III.A)

“An essential element of a civil rights claim against an individual is that person’s direct personal participation in the acts or inactions upon which the complaint is based.” (Section III.B)

“Plaintiff presents no plausible basis for a claim of punitive damages because he alleges no facts whatsoever establishing that any defendant acted with a sufficiently culpable state of mind.” (Section III.C)

FACTUAL BACKGROUND

Patrick Stewart, an inmate at Ellsworth Correctional Facility, alleged that state-issued boots were too narrow and caused foot pain, inflammation, bruising, and discomfort. Medical staff evaluated him, prescribed topical pain medication, and officials initially provided the widest regularly carried boots before ordering wider footwear.

Stewart received properly fitting boots approximately 44 days after the replacement request and alleged that he had worn ill-fitting boots for about 100 days after first reporting the problem.

PROCEDURAL HISTORY

Plaintiff filed this prisoner civil-rights action and was granted leave to proceed in forma pauperis, subject to an initial partial filing fee that remained unpaid. Before service or final dismissal, the district court conducted statutory screening, found deficiencies in the Eighth Amendment, supervisory-liability, and punitive-damages allegations, denied the motion for appointment of counsel, extended the filing-fee deadline, and gave Plaintiff until February 17, 2026, to show cause against dismissal.

DISPOSITION

other

CASES CITED

- West v. Atkins, 487 U.S. 42, 48 (1988)
- Northington v. Jackson, 973 F.2d 1518, 1523 (10th Cir. 1992)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Anderson v. Blake, 469 F.3d 910, 913 (10th Cir. 2006)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 558, 570 (2007)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1163 (10th Cir. 2007)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Kay v. Bemis, 500 F.3d 1214, 1218 (10th Cir. 2007)
- Smith v. United States, 561 F.3d 1090, 1098 (10th Cir. 2009)
- Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)
- Farmer v. Brennan, 511 U.S. 825, 834, 837 (1994)
- Martinez v. Garden, 430 F.3d 1302, 1304 (10th Cir. 2005)
- Estelle v. Gamble, 429 U.S. 97, 103 (1976)
- Wilson v. Seiter, 501 U.S. 294, 298 (1991)
- Rhodes v. Chapman, 452 U.S. 337, 347 (1981)
- McBride v. Deer, 240 F.3d 1287, 1291 (10th Cir. 2001)
- Despain v. Uphoff, 264 F.3d 965, 974 (10th Cir. 2001)
- Johnson v. Lewis, 217 F.3d 726, 731 (9th Cir. 2000)
- Olson v. Stotts, 9 F.3d 1475 (10th Cir. 1993)
- Sealock v. Colorado, 218 F.3d 1205, 1210 (10th Cir. 2000)
- Mata v. Saiz, 427 F.3d 745, 751 (10th Cir. 2005)
- Garrett v. Stratman, 254 F.3d 946, 950 (10th Cir. 2001)

- Henderson v. Sec'y of Corr., 518 F.2d 694, 695 (10th Cir. 1975)
- Ellibee v. Roberts, No. 08-3189-SAC, 2009 WL 103639, at *1 (D. Kan. Jan. 14, 2009)
- Kentucky v. Graham, 473 U.S. 159, 165-66 (1985)
- Henry v. Storey, 658 F.3d 1235, 1241 (10th Cir. 2011)
- Foote v. Spiegel, 118 F.3d 1416, 1423-24 (10th Cir. 1997)
- Trujillo v. Williams, 465 F.3d 1210, 1228 (10th Cir. 2006)
- Iqbal, 556 U.S. 662, 676 (2009)
- Duffield v. Jackson, 545 F.3d 1234, 1239 (10th Cir. 2008)
- Rizzo v. Goode, 423 U.S. 362, 371 (1976)
- Gagan v. Norton, 35 F.3d 1473, 1476 n.4 (10th Cir. 1994)
- Gallagher v. Shelton, 587 F.3d 1063, 1069 (10th Cir. 2009)
- Whittington v. Ortiz, 307 F. App'x 179, 193 (10th Cir. 2009)
- Larson v. Meek, 240 F. App'x 777, 780 (10th Cir. 2007)
- Lomholt v. Holder, 287 F.3d 683, 684 (8th Cir. 2002)
- Searles v. Van Bebber, 251 F.3d 869, 879 (10th Cir. 2001)
- Smith v. Wade, 461 U.S. 30, 56 (1983)
- Carper v. DeLand, 54 F.3d 613, 616 (10th Cir. 1995)
- Johnson v. Johnson, 466 F.3d 1213, 1217 (10th Cir. 2006)
- Rachel v. Troutt, 820 F.3d 390, 396 (10th Cir. 2016)
- Williams v. Meese, 926 F.2d 994, 996 (10th Cir. 1991)
- Steffey v. Orman, 461 F.3d 1218, 1223 (10th Cir. 2006)
- Hill v. SmithKline Beecham Corp., 393 F.3d 1111, 1115 (10th Cir. 2004)
- Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995)

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