

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

Tyler L. Milton v. Shane Hinton, Jesseca Mayfield, and Rodney
Klang

Milton v. Hinton · No. 24-cv-607-jdp · Decided May 5, 2026

SUMMARY

The court granted in part and denied in part defendants’ motion for summary judgment in an incarcerated plaintiff’s Eighth Amendment failure-to-protect action arising from self-harm involving eyeglasses. Summary judgment was granted to defendants Rodney Klang and Jesseca Mayfield, while the claim against Shane Hinton proceeded because factual disputes existed regarding whether Hinton learned that Milton possessed his glasses and consciously disregarded the risk. The court denied defendants’ request for sanctions and dismissed Klang, Mayfield, and Sukowaty from the case.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	James D. Peterson
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	May 5, 2026
DOCKET	24-cv-607-jdp
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for summary judgment on plaintiff’s Eighth Amendment failure-to-protect claims and requested sanctions under 28 U.S.C. § 1915(g).
STANDARD OF REVIEW	Summary judgment is proper when the undisputed facts show that there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. For the Eighth Amendment claim, the court assessed whether a reasonable jury could find that each defendant knew of and consciously disregarded a strong likelihood that Milton would seriously harm himself in the near future.
PRECEDENTIAL VALUE	Unpublished district court opinion; precedential status is not stated in the opinion.

TOPICS

summary judgment

prisoners rights

cruel and unusual punishment

qualified immunity

civil rights

PRACTICE AREAS

civil rights

prison litigation

constitutional torts

summary judgment

qualified immunity

QUESTIONS PRESENTED

1. Whether Klang and Mayfield consciously disregarded a strong likelihood that Milton would seriously harm himself by swallowing pieces of his eyeglasses.
2. Whether Hinton consciously disregarded that risk after hearing Milton's threat, observing a metallic sound, and reviewing unavailable hallway video.
3. Whether Hinton was entitled to qualified immunity despite the factual dispute concerning his knowledge and response.
4. Whether Milton should be assessed a strike under 28 U.S.C. § 1915(g) for filing a frivolous action.

HOLDINGS

1. Summary judgment was proper for Klang and Mayfield because no reasonable jury could conclude that they perceived a strong likelihood that Milton would harm himself with his glasses. Their efforts to search for the glasses and inspect Milton's hands, together with their reasonable belief that he did not possess the glasses, negated conscious disregard on the undisputed facts.
2. Summary judgment was denied as to Hinton because the unavailable hallway video, Milton's statements and threat, the metallic sound in the cell, and the unexplained location of the glasses could permit a reasonable jury to find that Hinton knew of a strong likelihood that Milton would swallow the glasses and failed to prevent it.
3. Hinton was not entitled to qualified immunity at summary judgment because the governing Eighth Amendment standard was clearly established and the unresolved factual disputes concerned whether he satisfied that standard.
4. Milton was not assessed a strike because the court was not dismissing the action as frivolous.

KEY QUOTATIONS

“Under the Eighth Amendment, a claim that prison staff failed to prevent a prisoner from harming himself has four elements: (1) there was a strong likelihood that the prisoner would seriously harm himself in the near future; (2) the defendant knew of that strong likelihood; (3) the defendant consciously failed to take reasonable measures to prevent the prisoner from harming himself; and (4) the defendant’s actions or inactions caused the prisoner harm.”

“If there are genuine issues of fact concerning th[e] elements [of the claim], a defendant may not avoid trial on the grounds of qualified immunity.”

FACTUAL BACKGROUND

Milton was placed on clinical observation after swallowing a segregation pencil. Although he stated that he had his eyeglasses and threatened to break and swallow them, prison staff believed that he did not possess the glasses because a visual search had not revealed them and he showed Hinton his empty hands. Milton later produced pieces of the metal eyeglass frame, appeared to swallow them, and required hospitalization and two surgeries. Hinton reviewed hallway video after the threat, but the video was not submitted, creating a factual dispute about whether it showed Milton entering the interview room wearing his glasses.

PROCEDURAL HISTORY

Milton, proceeding without counsel and incarcerated at Columbia Correctional Institution, was granted leave to proceed on Eighth Amendment claims against Hinton, Klang, and Mayfield. His Wisconsin-law negligence claims had previously been dismissed for failure to comply with Wisconsin's notice-of-claim statute. The court granted summary judgment to Klang and Mayfield, denied summary judgment to Hinton, denied sanctions, and dismissed the claims against the defendants who did not remain in the case.

DISPOSITION

other

CASES CITED

- *Berry v. Peterman*, 604 F.3d 435, 440 (7th Cir. 2010)
- *Norfleet v. Webster*, 439 F.3d 392, 397 (7th Cir. 2006)
- *Olson v. Morgan*, 750 F.3d 708, 713 (7th Cir. 2014)
- *Pulera v. Sarzant*, 966 F.3d 540, 551 (7th Cir. 2020)
- *Abbott v. Sangamon County, Illinois*, 705 F.3d 706, 725 (7th Cir. 2013)
- *Reichle v. Howards*, 566 U.S. 658, 664 (2012)
- *Wilson v. Layne*, 526 U.S. 603, 617 (1999)
- *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011)
- *Walker v. Benjamin*, 293 F.3d 1030, 1037 (7th Cir. 2002)
- *Estate of Clark v. Walker*, 865 F.3d 544, 551 (7th Cir. 2017)