UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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Re: Case No. 25-5667, *Jacob Julick v. Scott Jordan, et al*
Originating Case No. 5:23-cv-00051

Dear Counsel,

The Court issued the enclosed opinion today in this case.

Enclosed are the court's unpublished opinion and judgment, entered in conformity with Rule 36, Federal Rules of Appellate Procedure.

Sincerely yours,

s/Cathryn Lovely
Opinions Deputy

cc: Mr. James J. Vilt Jr.

Enclosures

Mandate to issue

NOT RECOMMENDED FOR PUBLICATION
File Name: 26a0363n.06

Case No. 25-5667

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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JACOB JULICK,

Plaintiff-Appellant,

v.

SCOTT JORDAN; JASON DENNY; LAUREN MASSEY; DYLAN BOND; DELVIN NIELSEN; SASHA PROMOZICH VILLASENOR,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY

OPINION

Before: KETHLEDGE, NALBANDIAN, and HERMANDORFER, Circuit Judges.

NALBANDIAN, Circuit Judge. When a prison gang assaulted an officer, the prison detained an affiliated inmate—Jacob Julick—who became suicidal. And when Julick disobeyed commands to assume a compliant position, one officer pepper-sprayed him. Then the prison transferred Julick to a new cell, which he alleges was filthy and inhumane, and denied him the ability to shower or otherwise clean himself for ten days.

So Julick sued, accusing the prison's officers of violating his clearly established Eighth Amendment rights against (1) excessive force and (2) cruel and unusual conditions of confinement. The district court granted summary judgment to Defendants on both claims. We agree, so we AFFIRM.

I.

In 2020, Jacob Julick went to prison. There, he ran with a prison gang, which prison officers called a "Security Threat Group." And on Christmas Day 2022, the gang violently assaulted a prison officer by stabbing him 13 times and stomping on him. The other officers categorized eleven prisoners—including Julick—as "active participants" in the assault. So they searched the prisoners and transferred them to the "Restricted Housing Unit."

This case is about the treatment that followed. Julick entered his cell on "maximum assault status," which limited his belongings to paper boxers and a mattress. The officers justified this move as "necessary for the safety of inmate[s] and [the] secure operation of the facility."

The next morning, Julick told a prison officer that he was suicidal. In response, he says another officer (Denny) laughed and told him to "kill [him]self and do them the favor." R.22, Am. Compl., PageID 141. Then the officers stripped Julick's cell and placed him under one-on-one observation. During the strip, they put Julick in mechanical restraints and placed him in a "strip cage," or a holding cell, with officers taking turns monitoring him. And Julick says one officer (Nielsen) kept opening a nearby door to the frigid outside air, asking if Julick wanted "some fresh air." *Id.* at PageID 142. Eventually, Officer Bond's shift began.

A prison security camera captured what happened next. Inside the strip cage, Julick was kneeling in the "compliance position," with his body facing away from Officer Bond, towards the back wall. But then Julick began turning his head towards Officer Bond, talking. First, he turned his head over his left shoulder, displaying a smile. Then he turned to the right. So Bond told Julick to resume the compliance position by facing the wall. Julick was undeterred and continued to face Officer Bond. Bond unholstered his pepper spray and gave further commands. And when Julick didn't comply, Bond dispensed a one-second spray, followed by a shorter burst. A few

seconds passed. Then Julick laughed, turned towards Bond again, and asked Bond if he was "proud of his self." *Id*. At PageID 141. Again, Bond told Julick to stop talking and face the wall, dispensing one last spray. When Julick continued to move his head, Officer Bond swapped his pepper spray for a taser, pointing it at Julick. Finally, Julick complied.

For the next 11 minutes, prison officers prepared to remove Julick from the strip cage to decontaminate him. One officer operated a handheld camera while others joined the operation. Three officers put on protective gear—helmets and vests—and one held a riot shield against the strip cage's door. Finally, the officers opened the strip cage and took Julick to a separate room, where a nurse rinsed him off. The nurse attempted to get Julick's vitals, but he refused. She washed him with "copious amounts of water" and noted that Julick "did not sustain injury from the restraints used." R.43-5, Incident Report Summ., PageID 291. So the officers escorted Julick back to the strip cage, where they removed his restraints and ordered him to resume the compliance position. This time, Officer Nielsen kept watch, and the other officers prepared a new cell. About 30 minutes later, Julick's cell was ready. The officers escorted Julick there, where his one-on-one observation continued.

That's when Julick started his second round of confinement. This confinement lasted ten days, from December 26, 2022 to January 4, 2023, and the parties dispute its severity. Julick recounts "inhumane" care and filthy conditions. R.22, PageID 146. He says prison officials refused to let him shower or brush his teeth during the ten-day period, and that they denied him cleaning supplies, bedding, clothes, and shoes. He also recounts cold temperatures, pointing to his lack of clothing or bedding during the wintry week. Importantly, he says the cell had "human [feces] on the walls, floor, and caked in the toilet." *Id.* Julick doesn't specify whether the feces were his, or whether the feces were present when he entered the cell, but he remembers his bare

feet having "black thick dirt and some [feces] on" them. *Id.* The officers push back on this narrative. In particular, Officer Denny says that "[t]he assertions made by [Julick] are not true. In the event of any biohazardous materials, such as blood or feces . . . we have a dedicated biohazard team that is responsible for conducting proper and thorough clean-up." R.59-5, Denny Aff., PageID 484.

When Julick complained of these conditions to the officers, he says they laughed. For seven of the days, the officers confiscated his bed during daytime, and when Julick asked why, Officer Denny replied "because we can." R. 22, PageID 144. Later, the officers allegedly told Julick that "[he] was being treated like this under the warden Scott Jordan's firm orders." *Id*.

So Julick sued five prison employees in their official and individual capacities under 42 U.S.C. § 1983: Warden Scott Jordan, Officer Jason Denny, Officer Dylan Bond, Officer Delvin Nielsen, and Officer Sasha Villasenor.[1] He proceeded pro se, seeking $250,000 in money damages, $250,000 in punitive damages, and an injunction that would transfer him to another facility. Soon after, the district court dismissed some of the claims at the screening stage.

After screening, Julick had two claims against four defendants. He had an individual-capacity Eighth Amendment excessive-force claim against Officer Bond, who'd pepper-sprayed him. And he had an individual-capacity Eighth Amendment conditions-of-confinement claim against Warden Jordan, Officer Denny, and Officer Villasenor, who'd supervised the ten-day confinement that followed.

Defendants moved for summary judgment, making three arguments. They first attacked Julick's excessive-force claim, explaining that he hadn't established facts that could satisfy the

[1] Julick also sued Lauren Massey, whom he later dismissed from the case. And he added Sasha Primozich (now Sasha Villasenor) through an amended complaint.

claim's objective or subjective components. Next, they contended that Julick couldn't satisfy the objective or subjective components of his conditions-of-confinement claim. And finally, they noted that qualified immunity protected them because they hadn't violated clearly established law.

The district court granted summary judgment without addressing every argument. For the excessive-force claim, it found that Julick couldn't establish an objective or subjective violation of his Eighth Amendment rights. The court explained that his pepper-spray injury couldn't satisfy the objective component because it didn't "rise above the level of de minimis and temporary discomfort," R.68, Dist. Ct. Op., PageID 595 (citation modified), and that it couldn't satisfy the subjective component because it resulted from a "good-faith effort to maintain or restore discipline for an inmate who was disobeying his orders," *id.* at PageID 597 (citation modified). As for the conditions-of-confinement claim, the court found that Julick couldn't establish the objective component. It held that Julick's conditions weren't severe enough to violate the Eighth Amendment under Sixth Circuit and Supreme Court precedent.

This appeal followed.

II.

We review the district court's summary-judgment decision de novo. *Smith v. City of Troy*, 874 F.3d 938, 943 (6th Cir. 2017). So we "draw all reasonable inferences" in Julick's favor to determine whether "there is no genuine dispute as to any material fact and [Defendants are] entitled to judgment as a matter of law." *Id.* (citation modified). And we read Julick's complaint broadly—Julick drafted his complaint pro se, while in prison, and "[i]t is settled law that the allegations of such a complaint . . . are held to less stringent standards than formal pleadings drafted by lawyers." *Hughes v. Rowe*, 449 U.S. 5, 9 (1980) (per curiam) (citation modified).

III.

A.

We begin with Julick's excessive-force claim. The Eighth Amendment prohibits prisons from using "unnecessary and wanton infliction of pain," also called "excessive force," against convicted criminals. *Whitley v. Albers*, 475 U.S. 312, 327 (1986). To show excessive force, a prisoner must show that an officer's infliction of pain was subjectively and objectively excessive. *See Cordell v. McKinney*, 759 F.3d 573, 580 (6th Cir. 2014). First, he must show subjective excessiveness—that the "force was applied . . . maliciously and sadistically to cause harm," not "in a good-faith effort to maintain or restore discipline." *Hudson v. McMillian*, 503 U.S. 1, 7 (1992). And second, he must show objective excessiveness—that the inflicted pain was "sufficiently serious." *Wilson v. Seiter*, 501 U.S. 294, 298 (1991). If a prisoner fails either prong, he loses. *See Johnson v. Sootsman*, 79 F.4th 608, 616 (6th Cir. 2023).

Julick challenges Officer Bond's use of pepper spray.[2] He says it violated his Eighth Amendment right to be free from excessive force. Julick doesn't dispute that Officer Bond commanded him to "face the wall" in the cell. And though he admits to turning his head before Bond sprayed him, he says he was "incapable of posing a physical threat" because he was "fully restrained." Appellant Br. 17.

The district court concluded that Bond's force wasn't subjectively or objectively excessive. Instead, it concluded that Bond acted "in a good-faith effort to maintain or restore discipline" and

[2] On appeal, Julick also references Bond's unholstering of a taser. *See* Appellant Br. 15. But the district court never addressed the taser threat. *See* R.68, PageID 595. And on appeal, Julick doesn't acknowledge this omission, let alone contest it. "As a general rule, appellate courts do not consider any issue" not considered by the court below. *In re Morris*, 260 F.3d 654, 663 (6th Cir. 2001) (citing *Singleton v. Wulff*, 428 U.S. 106, 120 (1976)). So because Julick never addressed this wrinkle, we don't consider Bond's use of the taser.

the pepper-spray injury wasn't "sufficiently serious." R.68 at PageID 594, 597 (citation modified). Julick disputes both conclusions. We'll address each in turn.

1.

The subjective prong asks whether Bond deployed the pepper spray "in a good-faith effort to maintain or restore discipline," or whether he used it "maliciously and sadistically" to harm Julick. *Hudson*, 503 U.S. at 7. This requires Julick to show that Bond acted with a "sufficiently culpable state of mind." *Wilson*, 501 U.S. at 298. Drawing all reasonable inferences in Julick's favor, he hasn't made that showing.

To assess whether an officer acted maliciously or sadistically, the Supreme Court has identified five factors: (1) the need for the application of force; (2) the relationship between the need and the amount of force that was used; (3) the extent of injury inflicted; (4) the extent of the threat to the safety of staff and inmates, as reasonably perceived by the responsible officials on the basis of the facts known to them; and (5) any efforts made to temper the severity of a forceful response. *Whitley*, 475 U.S. at 321 (grouping factors 1–3 and 4–5). In this assessment, we give prison officers "wide-ranging deference." *Bell v. Wolfish*, 441 U.S. 520, 547 (1979). And we "carefully circumscribe[]" our analysis "to take into account the nature of the prison setting in which the conduct occurs and to prevent a prison official's conduct from being subjected to unreasonable post hoc judicial second-guessing." *Lockett v. Suardini*, 526 F.3d 866, 875 (6th Cir. 2008) (citation modified).

Using this standard, we have held that prison officers who spray non-threatening, disobedient prisoners, in order to gain their compliance, do not behave maliciously or sadistically. In *Jennings v. Mitchell*, we upheld a summary-judgment grant to an officer who pepper-sprayed a prisoner for disobeying a direct order to "sit cross-legged on his bunk and face the wall." 93

F. App'x 723, 725 (6th Cir. 2004) (order). There, we held that "the force used was applied in a good-faith effort to maintain or restore discipline, not to maliciously cause pain." *Id.* That's because the pepper spray "merely" made him "uncomfortable in the ordinary fashion of persons exposed to pepper spray," and because he "disobeyed repeated direct orders prior to the use of pepper spray." *Id.* And in *Siggers v. Renner*, we upheld summary judgment when an officer pepper-sprayed a prisoner for refusing an order to "stand up and to leave a strip cage." 37 F. App'x 138, 140 (6th Cir. 2002) (order). In *Thomas v. Greene*, we found that a prisoner's excessive-force claim was "properly dismissed as frivolous" when an officer sprayed him with mace for turning his back in contravention of an order. 1999 WL 1253102, at *2 (6th Cir. Dec. 17, 1999) (table). And we noted that the officer "did not use more force than was necessary to cause Thomas to comply with his requests." *Id.* Lastly, we invoked *Thomas* in a published opinion affirming a summary-judgment grant when an officer used mace to "control a prison inmate" who got too close to a cell's broken window. *Combs v. Wilkinson*, 315 F.3d 548, 557 (6th Cir. 2002).

With these decisions in mind, Julick can't show that Bond acted with a "sufficiently culpable state of mind." *Wilson*, 501 U.S. at 298. Bond used proportional force after Julick disobeyed orders, so he didn't act maliciously or sadistically because he used pepper spray "in a good-faith effort to maintain or restore discipline," which "merely" made Julick "uncomfortable." *Jennings*, 93 F. App'x at 725. This comports with our precedent. And it follows the "wide-ranging deference" we owe to prison officers. *Bell*, 441 U.S. at 547.

Julick's attempts to invoke other excessive-force cases fall short. Most notably, he cites *Cordell v. McKinney*, 759 F.3d 573, 577 (6th Cir. 2014), where an officer rammed a handcuffed prisoner headfirst into a concrete wall, causing severe injuries, even though the prisoner "was in complete compliance" with the officer's commands. That's a far cry from this case.

The disconnect between Julick's argument and the caselaw stems from his apparent belief that "[n]oncompliance alone would not justify force as a matter of law." Reply Br. at 9. That's not true. *See Jennings*, 93 F. App'x at 725; *Siggers*, 37 F. App'x at 140; *Combs*, 315 F.3d at 557; *Thomas*, 1999 WL 1253102, at *2. Rather, prison officers have a unique privilege to use force "in a good-faith effort to maintain or restore discipline." *Jennings*, 93 F. App'x at 725. That's what happened here.

2.

And Julick can't satisfy the objective prong, either—he can't show that his pepper-spray injury was "sufficiently serious." *Wilson*, 501 U.S. at 298. That's because "an excessive-force claimant must show something more than *de minimis* force." *Leary v. Livingston County*, 528 F.3d 438, 443 (6th Cir. 2008). But the line between actionable and *de minimis* force is often a "murky border." *Sootsman*, 79 F.4th at 616–17.

Not so here—we've generally placed pepper-spray injuries on the *de minimis* side of the line. Recall our examination of prison spray incidents. *See Jennings*, 93 F. App'x at 725 (a pepper-sprayed prisoner "fail[ed] to allege or show more than a de minimis physical injury," and instead showed only a "mental or emotional injury"); *Thomas*, 1999 WL 1253102, at *2 (a prisoner "did not allege that he suffered any physical injury as a result of" his body being sprayed with mace). More recently, we affirmed summary judgment without reaching the subjective prong. *Hernandez v. Simmons*, 2020 U.S. App. LEXIS 29233 (6th Cir. Sept. 14, 2020) (order). In *Hernandez*, a prisoner refused an order to leave his cell, so officers pepper-sprayed into the cell from outside. *Id.* at *3. And when the pepper spray didn't motivate the prisoner to move, the officers fired four "pepper balls" inside. *Id.* The district court granted summary judgment to the officers, finding that "no issue of fact existed as to whether Hernandez suffered more than *de*

minimis injuries." *Id.* at *4. We affirmed, noting that the prisoner "did not show signs of distress" or "vocalize any pain" in a video of the incident. *Id.* at *8.

Drawing all reasonable inferences in Julick's favor, he suffered only a *de minimis* injury. In the video, Julick laughs and smiles while being sprayed, and soon after, a nurse washes him off with "copious amounts of water." R.43-5 at PageID 291. The nurse also noted that Julick "did not sustain injury from the restraints used." *Id.* Further, Julick did not "show signs of distress" or "vocalize any pain." *Hernandez*, 2020 U.S. App. LEXIS 29233, at *8. In fact, he continued to disobey orders by turning his head. This isn't consistent with a "serious injury," *Siggers*, 37 F. App'x at 140, but it matches the district court's assessment of "de minimis and temporary discomfort," R.68 at PageID 595 (citation modified).

B.

Next, we consider Julick's conditions-of-confinement claim. The Eighth Amendment requires prison officials to "ensure that inmates receive adequate food, clothing, shelter, and medical care, and must take reasonable measures to guarantee the safety of the inmates." *Farmer v. Brennan*, 511 U.S. 825, 832 (1994) (citation modified). This prohibits them from "overlook[ing] dangerous conditions in the prison that might harm prisoners." *Pearson v. Mich. Dep't of Corr.*, 170 F.4th 1027, 1040 (6th Cir. 2026) (citation modified). In other words, it prohibits "deliberate indifference to conditions that pose a substantial risk to an inmate's health and safety." *Finley v. Huss*, 102 F.4th 789, 805 (6th Cir. 2024). And although "[n]o static 'test' can exist by which courts determine whether conditions of confinement are cruel and unusual," *Rhodes v. Chapman*, 452 U.S. 337, 346 (1981), those "judgments should neither be nor appear to be merely the subjective views of individual" judges, *Rummel v. Estelle*, 445 U.S. 263, 275 (1980).

Again, this claim has two prongs—objective and subjective. The district court considered only the objective prong, so we do too.

1.

To determine whether an objective violation occurred, we "ask whether the challenged condition posed a 'sufficiently serious' risk of harm." *Pearson*, 170 F.4th at 1041 (quoting *Wilson*, 501 U.S. at 298). This requires an "extreme deprivation[]," *Hudson*, 503 U.S. at 9, not merely "temporary exposure to unsanitary conditions," *Dykes v. Benson*, 2022 WL 19076614, at *6 (6th Cir. Nov. 22, 2022) (order).

We make all reasonable inferences in Julick's favor, but we don't reach beyond the record. Most notably, Julick's appellate counsel now asserts that his cell was "covered in fecal matter" and that officers "required him to lay on his stomach in the feces." Appellant Br. 29–30. These allegations are new, and they don't follow from Julick's complaint. Instead, the complaint says that Julick's cell "had [feces] on the floor and walls" and that he "was made to lay face down on [his] stomach in paper boxers" every morning. R.22, PageID 143. It never mentions the amount of feces in the cell, and it only mentions Julick's feet contacting the feces, never the rest of his body. We emphasize that "[a]ppellate courts are the wrong place to try out new facts." *Bowles v. Sabree*, 121 F.4th 539, 551 (6th Cir. 2024).

With that in mind, let's review the cell's conditions. Julick occupied the cell from December 26 to January 4. He was deprived of clothes, bedding, shoes, and cleaning supplies. The cell was cold and dirty, with some amount of dirt on the floor, and some unidentified amount of feces of unknown origin on the walls, floor, and in the toilet. And during that time, Julick wasn't allowed to shower or brush his teeth. The complaint explains several ways this treatment impacted Julick: he was "freezing and shivering" because he lacked clothing or bedding, and he

"was made to walk barefoot in this cell with dirt and [feces] caked to [his] feet." R.22, PageID 143. It also notes his later mental-health therapy, and although he alleges that the pepper-spray incident impacted his mental health, it's unclear whether the confinement had similar effects. Beyond that, the complaint doesn't allege any effect on Julick's health or safety.

Julick faced rough conditions, but that's not enough. He must still show how these conditions "pos[ed] a substantial risk of serious harm." *Finley*, 102 F.4th at 805. To determine whether Julick faced this risk, we assess whether the circumstances described in Julick's complaint, "alone or in combination, . . . deprive[d Julick] of the minimal civilized measure of life's necessities." *Rhodes*, 452 U.S. at 347.

i.

Start with Julick's first argument: feces. He presents three cases—two unpublished Sixth Circuit opinions and one Supreme Court opinion—to assert that exposure to feces creates an objective violation of his Eighth Amendment rights. But one of these cases doesn't establish an Eighth Amendment violation, and the others involve exposure to much worse conditions than Julick's.

The Circuit cases don't persuade. First, Julick cites *Turner v. Long*, 2024 WL 3029249 (6th Cir. June 17, 2024), where the panel reversed on a technicality, avoiding the Eighth Amendment questions because "[d]istrict courts are far more familiar with the factual record and remand ensures any future appeal will have the benefit of the district court's analysis." *Id.* at *4 (citation modified). Julick's other Circuit case fares better, but its facts aren't analogous. In *Taylor v. Larson*, a prisoner was placed in a cell "covered" with "fresh fecal matter" (not his own) after refusing a DNA sample. 505 F. App'x 475, 477 (6th Cir. 2012). The prisoner later added that his mattress was "soaked" in urine when he arrived. *Id.*; Am. Compl. at PageID 84, *Taylor v. Larson*,

No. 12-1347 (6th Cir. 2012). A district court dismissed the case, and we reversed, explaining that "[w]e think placing a prisoner in a cell covered with fecal matter for simply questioning why he must submit a DNA sample falls below the standard of decency that inheres in the Eighth Amendment." *Larson*, 505 F. App'x at 477 (citation modified). These facts differ from Julick's in several ways. Julick never mentions his mattress's condition, and he doesn't mention the amount of feces in the cell or how fresh the feces were, or the extent to which the feces were his or another prisoner's. Each of these facts is highly relevant to whether the exposure could pose a "substantial risk of serious harm." *Finley*, 102 F.4th at 805. Also, the *Larson* panel reviewed a motion to dismiss, not a motion for summary judgment, so Taylor's factual allegations faced less scrutiny. *See England v. DENSO Int'l Am. Inc.*, 136 F.4th 632, 636 (6th Cir. 2025). And while the panel stressed that Taylor's offense was unserious (failing to submit to a DNA sample), Julick was identified as a member of a gang that assaulted a prison officer, and he was deemed a threat to himself and others. In sum, Julick's confinement was much different.

He also relies on *Taylor v. Riojas*, where the Supreme Court reversed a Fifth Circuit summary-judgment order which had concluded that a cell's conditions didn't violate a prisoner's clearly established Eighth Amendment rights. 592 U.S. 7, 7–8 (2020) (per curiam). Those conditions, as the district court explained here, were extreme and vile. The Supreme Court recounted:

> [F]or six full days in September 2013, correctional officers confined [Taylor] in a pair of shockingly unsanitary cells. The first cell was covered, nearly floor to ceiling, in massive amounts of feces: all over the floor, the ceiling, the window, the walls, and even packed inside the water faucet. Fearing that his food and water would be contaminated, Taylor did not eat or drink for nearly four days. Correctional officers then moved Taylor to a second, frigidly cold cell, which was equipped with only a clogged drain in the floor to dispose of bodily wastes. Taylor held his bladder for over 24 hours, but he eventually (and involuntarily) relieved himself, causing the drain to overflow and raw sewage to spill across the floor.

> Because the cell lacked a bunk, and because Taylor was confined without clothing, he was left to sleep naked in sewage.

Id. at 7–8 (citation modified). This is miles away from the conditions Julick faced. The prisoner's inability to eat or drink presented a "substantial risk of serious harm," *Finley*, 102 F.4th at 805, and it "deprive[d him] of the minimal civilized measure of life's necessities"—food and water, *Rhodes*, 452 U.S. at 347. The prisoner in *Riojas* was also naked and bed-less, which forced him to contact the sewage with his bare body at all times. This violated the Supreme Court's clear command that prisoners be provided "adequate food, clothing, shelter, and medical care." *Farmer*, 511 U.S. at 832. But Julick pleaded none of these conditions.

Instead, the district court correctly identified some cases where temporary exposure to sewage leaks didn't violate the Eighth Amendment. *See Lamb v. Howe*, 677 F. App'x 204, 210 (6th Cir. 2017); *Keel v. Davidson Cnty. Sheriff's Off.*, 2015 WL 799724, at *3 (M.D. Tenn. Feb. 25, 2015). And though these cases aren't directly on point, they present some persuasive authority for Defendants' position.

In all, Julick's limited exposure to feces can't carry his conditions-of-confinement claim on its own. He needed to allege a "substantial risk of serious harm," *Finley*, 102 F.4th at 805, and he failed to do so. And our caselaw doesn't show how limited exposure to feces satisfies the objective prong.

ii.

Julick also says he couldn't shower or brush his teeth. And he argues that our precedent affords prisoners in administrative segregation "at least one shower per week as a constitutional minimum." *Walker v. Mintzes*, 771 F.2d 920, 928 (6th Cir. 1985).

But a closer look at *Walker* reveals that our Circuit lacks a hard-and-fast rule. There, we reviewed a district court's assessment of three prisons' post-riot restrictions on yard time, showers,

religious services, and library access. We discussed the district court's power to call Eighth Amendment balls and strikes, without fully adopting the district court's rule:

> We recognize that sanitation is a major concern in prisons today. In *Preston v. Thompson*, the [Seventh Circuit] held that a district court could, within its proper role, order that inmates be afforded two showers per week. Likewise, in *Dorrough v. Hogan*, the [Fifth Circuit] upheld access to showers at least two times per week. We therefore AFFIRM the district court's order that prisoners in administrative segregation at Jackson [Prison], not in frequent contact with others, be afforded at least one shower per week as a constitutional minimum, and that general population inmates receive three showers per week, as being in substantial conformity with the precedent noted. Finally, we agree with the district court's order that inmates at Marquette [Prison] be allowed to wear appropriate clothing while walking to the showers.

Walker, 771 F.2d at 928–29 (citation modified). We note several points. First, though *Walker* didn't address the standard of review, its language didn't match a de novo standard. It permitted, with deference, the district court's holding, without addressing whether the district court was correct. And though *Walker* noted "agree[ment]" with the district court's Marquette-specific holding, it never held that it "agreed" with the Jackson-specific one. *Id*. Second, the *Walker* court tailored its holding to Jackson Prison's policy, which it analyzed in detail, rather than adopting a blanket rule for all three prisons. And third, the *Walker* court cited *Preston* and *Dorrough*, in which other circuit courts—without themselves adopting new constitutional shower rules—addressed district courts' authority to make findings. In *Preston*, the Seventh Circuit explained that its ability to review a district court's injunction, which mandated two showers per week, was "extremely limited," adding that the district court "had considerable discretion to devise a remedy." *Preston v. Thompson*, 589 F.2d 300, 303 (7th Cir. 1978) (citation modified). It didn't review whether the district court's constitutional finding was correct. *See generally id.* And in *Dorrough*, the Fifth Circuit reviewed a district court's factual finding that a policy allowing two showers per week met prisoners' "individual hygienic needs." *Dorrough v. Hogan*, 563 F.2d 1259,

1262 (5th Cir. 1977) (order). Again, the order said nothing about whether the Fifth Circuit adopted the district court's finding, which the order didn't couch as the district court's constitutional position. *See generally id.*

Walker doesn't establish a strict rule for our Circuit. And because Julick didn't allege any effects of this treatment, let alone how those effects posed a "substantial risk of serious harm," *Finley*, 102 F.4th at 805, his personal-hygiene claim fails to satisfy the objective prong.

iii.

Lastly, the deprivation of supplies, clothes, and bedding to a suicidal prisoner doesn't "pos[e] a substantial risk of serious harm," *Finley*, 102 F.4th at 805, or "deprive [him] of the minimal civilized measure of life's necessities," *Rhodes*, 452 U.S. at 347.

And although Julick cites cases where prisons had temperatures "close to freezing," *Franklin v. Franklin*, 2000 WL 687434, at *4 (6th Cir. May 16, 2000) (table), or "cold enough for the officers to wear their winter coats indoors," *Spencer v. Bouchard*, 449 F.3d 721, 728 (6th Cir. 2006), these cases did not involve inmates on suicide watch. Julick's suicidal threats gave the officials every reason to deny him materials. *See Comstock v. McCrary*, 273 F.3d 693, 698–99, 711 (6th Cir. 2001) (denying qualified immunity when a prisoner hanged himself with a bed sheet).

iv.

Taking all these circumstances together, Julick still fails the objective prong. Our most analogous fact pattern comes from *Watison v. Perry*, 2024 WL 3461194 (6th Cir. Feb. 15, 2024). There, we affirmed summary judgment for prison officials who, for eight days, denied hygiene supplies, showers, recreation, clothing, and bedding to a prisoner. *Id.* at *1–2. The prisoner recounted living around a "toilet mildewed with feces," eating for a week without brushing his teeth, and crawling inside his mattress at night to escape his cell's freezing temperature. *Id.* at *1.

And he explained the confinement's harmful effects on his skin, teeth, and feet. *Id.* Still, we found that "the conditions [he] endured for eight days were simply not so severe as to violate the Eighth Amendment." *Id.* Julick presents similar claims, with fewer details, and he doesn't discuss how his cell's characteristics, alone or together, "pos[ed] a substantial risk of serious harm," *Finley*, 102 F.4th at 805.

In sum, Julick falls short of our standard. We've upheld summary judgment against prisoners who faced worse conditions and brought stronger claims, and Julick doesn't point to caselaw that undermines that practice.

IV.

For these reasons, we AFFIRM.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 25-5667

JACOB JULICK,

Plaintiff - Appellant,

v.

SCOTT JORDAN; JASON DENNY; LAUREN MASSEY; DYLAN BOND; DELVIN NIELSEN; SASHA PROMOZICH VILLASENOR,

Defendants - Appellees.

FILED
Aug 21, 2026
KELLY L. STEPHENS, Clerk

Before: KETHLEDGE, NALBANDIAN, and HERMANDORFER, Circuit Judges.

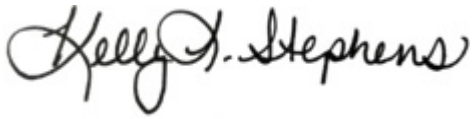
JUDGMENT

On Appeal from the United States District Court
for the Western District of Kentucky at Paducah.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION THEREOF, it is ORDERED that the judgment of the district court is AFFIRMED.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk