

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 16-16052
Non-Argument Calendar

D.C. Docket No. 6:14-cv-01595-VEH-TMP

JAMES KELLY MONROE,

Plaintiff - Appellee,

versus

JOHN GORON,
County Commissioner, et al.,

Defendants,

RODEY INGLE, Sheriff,

Defendant - Appellant.

Appeal from the United States District Court
for the Northern District of Alabama

(June 29, 2017)

Before JULIE CARNES, JILL PRYOR, and EDMONDSON, Circuit Judges.

PER CURIAM:

In this interlocutory appeal, Sheriff Rodney Ingle appeals the district court's denial of his motion for summary judgment -- a motion based on qualified immunity -- in this 42 U.S.C. § 1983 civil action alleging deliberate indifference in violation of the Eighth Amendment. No reversible error has been shown; we affirm.¹

On 25 July 2014 -- while an inmate at the Fayette County Jail in Fayette, Alabama -- James Monroe sustained an injury to his finger during an altercation with another inmate. Monroe was taken to the emergency room at the local hospital, where he was diagnosed with an open fracture of the finger. The emergency room doctor prescribed antibiotics and pain medication. The doctor also instructed Monroe to make a follow-up appointment with an orthopedic specialist at the University Orthopaedic Clinic and Spine Center ("UOC").

¹ We have jurisdiction to review the district court's denial of qualified immunity. See Mitchell v. Forsyth, 105 S. Ct. 2806, 2817 (1985). To the extent, however, that Sheriff Ingle raises arguments about exhaustion of administrative remedies or about whether Monroe suffered a physical injury within the meaning of the Prison Litigation Reform Act -- issues unrelated to qualified immunity and about which no "final decision" has been entered, we lack appellate jurisdiction to decide those questions and decline to address those arguments on interlocutory appeal. For background, see Johnson v. Jones, 115 S. Ct. 2151 (1995).

On 29 July 2014, jail staff transported Monroe to UOC to have his finger evaluated by an orthopedist. The parties dispute what happened next. According to Monroe, Sheriff Ingle -- who was allegedly present at Monroe's appointment -- refused to authorize payment from State or County funds for Monroe's medical treatment at UOC. In addition, Monroe -- who says he lacked funds or insurance to pay for his own medical care -- refused to sign UOC's paperwork relating to payment. The record demonstrates that, among other things, UOC required patients to sign a document accepting full financial responsibility for medical expenses. As a result of Sheriff Ingle's refusal to authorize payment for Monroe's health care and Monroe's refusal to sign the financial responsibility forms, UOC would not evaluate or treat Monroe. Sheriff Ingle then ordered Monroe to be transported back to the jail without having been seen by an orthopedist.

On 13 August 2014, Monroe filed this pro se civil action. In pertinent part, Monroe asserted a claim for deliberate indifference against Sheriff Ingle in his individual capacity.

Upon initial screening under 28 U.S.C. § 1915A, the magistrate judge concluded that Monroe had alleged sufficiently that he "was denied health care recommended by the emergency room physician arguably because of his inability to pay." Because additional factual development was necessary to determine

whether Sheriff Ingle's alleged interference with Monroe's 29 July appointment constituted deliberate indifference, the magistrate judge ordered Sheriff Ingle to file a special report responding to Monroe's deliberate indifference claim.

Sheriff Ingle's special report was later construed as a motion for summary judgment, and was denied. Applying properly the summary judgment standard, the district court accepted Monroe's testimony that Sheriff Ingle was present when Monroe was asked to sign UOC's financial responsibility forms, that Sheriff Ingle refused to authorize payment from State or County funds, and that Sheriff Ingle ordered Monroe to be returned to jail after Monroe refused to sign the forms. On this record -- and given Supreme Court and Eleventh Circuit case law establishing that denying or delaying a prisoner necessary medical care based solely on a prisoner's inability to pay, or for other non-medical reasons, may constitute deliberate indifference -- the district court concluded that Sheriff Ingle was unentitled to summary judgment.

Viewing the evidence and drawing all reasonable inferences in the light most favorable to Monroe,² we accept that summary judgment based on qualified

² We review de novo a district court's denial of a motion for summary judgment based on qualified immunity, "drawing all inferences and viewing all of the evidence in a light most favorable to the nonmoving party." Gilmore v. Hodges, 738 F.3d 266, 272 (11th Cir. 2013).

immunity is not demanded at this stage in the proceedings.³

AFFIRMED.

³ We do not rule out today that qualified immunity might be granted properly later in the proceedings, as the operative facts are found or as the lack of sufficient admissible evidence to carry a party's burden of proof becomes apparent.