

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted August 18, 2026*

Decided August 20, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-2862

DEREK J. BURTON,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Central District of Illinois.

v.

No. 21-2238

DEREK HAGEN, et al.,
Defendants-Appellees.

Sara Darrow,
Judge.

ORDER

Derek Burton, a former pretrial detainee at the Iroquois County Jail in Watseka, Illinois, sued jail officers and medical staff, alleging that a delay in treatment for his fractured hand violated his rights under the Fourteenth Amendment. *See* 42 U.S.C. §

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

1983. The district court granted summary judgment for the defendants, concluding that the delay was not unreasonable and that it did not exacerbate Burton's condition. We affirm.

On June 8, 2020, while awaiting transfer to the Iroquois County Jail from Hill Correctional Center in Galesburg, Illinois, Burton punched either a door or a bedframe and injured his hand. Sheriff Derek Hagen arrived to transfer Burton to the jail, and Burton told Hagen that he injured his hand and needed treatment. Hagen responded that Burton could receive care at the jail. Upon arrival at the jail, Officers Matthew Pulley and Jessie Kochenberger completed Burton's booking process, and Burton told them that the pain and swelling in his hand required medical attention. Neither the inmate questionnaire nor the "Officer's Visual Observations Form" completed during his booking process reflected that Burton needed emergency or immediate medical care. The forms stated that Burton arrived at the jail with over-the-counter pain medication.

At Iroquois, pre-scheduled medical visits from contracted physicians or nurse practitioners happen once every other week, and to be seen, detainees must fill out an inmate request form and provide all necessary information. Iroquois's policy also promises detainees a free medical screening within 14 days of admission.

Burton put in a medical request on June 15 regarding his hand injury. Officer Joe Jaskula told Burton that he would be placed on the list to see a medical provider at the next available opportunity. Three days later, on June 18, Burton was seen by a nurse, and the next day, June 19, he was seen by Nurse Practitioner Rebecca Koerner, who ordered an x-ray of his hand. On June 29, Investigator Eric Starkey transferred Burton to his x-ray appointment. The x-ray revealed "evidence for an acute fracture" and signs of a previous healed fracture in his hand. According to Burton, the x-ray technician told Starkey that Burton broke his hand in two spots. Based on these results, Koerner referred Burton to an orthopedic specialist.

On July 10, 2020, Burton visited the orthopedic specialist. The specialist noted that Burton's fracture was healing well and determined that ice, pain medication, and one round of physical therapy was the proper course of treatment. Burton had a follow-up appointment in August where the specialist observed that Burton was able to make a full fist and seemed to have minimal discomfort. The specialist took another x-ray, which revealed that Burton's fracture was healing in good alignment. Because of these positive signs, the specialist determined further treatment was not necessary.

Burton sued Koerner, Hagen, Kochenberger, Pulley, Jaskula, and Starkey under 42 U.S.C. § 1983, alleging they acted unreasonably in treating his injured hand. The defendants moved for summary judgment, arguing that the record could not support a finding that any of the defendants were objectively unreasonable in responding to Burton's injury. The district court granted the motion, concluding that the defendants had acted diligently in obtaining care for Burton's hand, and that Burton had not shown that any treatment delay exacerbated his condition or caused harm.

On appeal, Burton first argues that a reasonable jury could conclude that the 11-day delay in receiving treatment from a nurse practitioner caused harm. We disagree. To succeed on his claim that the defendants acted unreasonably by delaying his care, Burton had to present "'verifying medical evidence that the delay' in medical care 'caused some degree of harm.'" *Miranda v. Cnty. of Lake*, 900 F.3d 335, 347 (7th Cir. 2018) (quoting *Williams v. Liefer*, 491 F.3d 710, 715 (7th Cir. 2007)). But the medical evidence here points to the opposite. The orthopedic specialist determined that Burton's hand was healing appropriately with minimal intervention. There is no suggestion in the record that the 11-day wait to see Koerner exacerbated Burton's injury. Moreover, while "[a] delay in the provision of medical treatment for painful conditions—even non-life-threatening conditions—can support" liability, *Grieveson v. Anderson*, 538 F.3d 763, 779 (7th Cir. 2008), "the length of delay that is tolerable depends on the seriousness of the condition and the ease of providing treatment," *McGowan v. Hulick*, 612 F.3d 636, 640 (7th Cir. 2010). No reasonable jury could conclude that Burton suffered an intolerable delay. To be sure, Burton's hand was painful and swollen. But he waited seven days to put in a medical request and was seen by a nurse practitioner within four days of his request. Moreover, Burton had access to over-the-counter pain medication during this period.

Burton also argues that the district court erred in resolving factual disputes in favor of the defendants. Specifically, he points to the district court's statement that Burton was seen at the "first available visit," on June 19. But Burton arrived at the jail on June 8, and the defendants testified that the next bi-weekly visit from a nurse practitioner occurred on June 19. Burton has not presented any evidence that a medical provider was available to evaluate him before this date.

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