

June 28, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-61124  
Summary Calendar

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BILLY SHEPPARD,

Plaintiff - Appellant,

v.

MELVIN ROBERTS, Transportation Officer; CHRISTOPHER B EPPS,  
COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi, Jackson  
USDC No. 5:06-CV-130

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Before REAVLEY, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Billy Sheppard (“Sheppard”) appeals the district court’s dismissal of his § 1983 action concerning injuries incurred when a prison vehicle carrying Sheppard was involved in an accident. We affirm.

The district court *sua sponte* dismissed Sheppard’s suit for failure to exhaust administrative remedies under the Prison Litigation Reform Act., 42 U.S.C. § 1997e(a). He has since fulfilled the administrative remedy review but the district court’s decision must be affirmed

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\* Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

on other grounds. *See Sojourner T v. Edwards*, 974 F.2d 27, 30 (5th Cir. 1992). In this case, Sheppard alleges, at most, negligence on the part of the vehicle driver and the Commissioner for hiring the driver. “[T]he Due Process Clause of the Fourteenth Amendment is simply not implicated by a *negligent* act of an official causing unintended loss of or injury to life, liberty, or property.” *Daniels v. Williams*, 474 U.S. 327, 328, 106 S. Ct. 662, 663 (1986). Thus, Sheppard has not stated a claim for a constitutional violation under § 1983. We affirm the dismissal with prejudice.

AFFIRMED.