

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 12, 2020

Lyle W. Cayce
Clerk

No. 19-30272
Summary Calendar

BRANDON S. LAVERGNE,

Plaintiff-Appellant

v.

MICHAEL VAUGHN, Investigator Louisiana State Penitentiary; BRUCE
DODD,

Defendants-Appellees

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:16-CV-400

Before STEWART, HIGGINSON, and COSTA, Circuit Judges.

PER CURIAM:*

Brandon S. LaVergne, Louisiana prisoner # 424229, appeals from the rejection of his 42 U.S.C. § 1983 claims against prison officials relating to a “mail block.” Applying de novo review to the district court’s orders granting motions to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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we affirm. *See Magee v. Reed*, 912 F.3d 820, 822 (5th Cir. 2019); *McCreary v. Richardson*, 738 F.3d 651, 654 (5th Cir. 2013).

First, LaVergne has not shown that the “mail block” violated clearly established law. *See McCreary*, 738 F.3d at 655-56. Accordingly, we are unpersuaded that the district court erred in granting summary judgment based on qualified immunity with respect to his constitutional challenges to the mail block. Second, contrary to LaVergne’s assertion, the district court did address and dismiss his claim based on stolen mail and pictures. Third, LaVergne fails to demonstrate error in the district court’s dismissal of his retaliation claim. *See Brown v. Taylor*, 911 F.3d 235, 245 (5th Cir. 2018).

AFFIRMED.