

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-3888
Conference Calendar

HERBERT H. WILLIAMS,

Plaintiff-Appellant,

versus

WAYNE E. KREIDER,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA-91-4180 F

- - - - -
June 23, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Herbert Williams argues that officer Wayne Kreider's arbitrary refusal to send the record he requested and paid for amounted to a violation of due process under the Fourteenth Amendment.

State remedies for negligent and intentional deprivations of property can satisfy the Due Process Clause. Hudson v. Palmer, 468 U.S. 517, 533, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984); Parratt v. Taylor, 451 U.S. 527, 538-43, 101 S.Ct. 1908, 68 L.Ed.2d 420

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

(1981); Charbonnet v. Lee, 951 F.2d 638, 644-45 (5th Cir.), cert. denied, 112 S.Ct. 2994 (1992).

The district court held that the Louisiana Public Records Act, La. Rev. Stat. Ann. 44:1 et seq. (West Supp. 1992) created a "quasi-property interest" and provided an adequate post-deprivation remedy sufficient to satisfy Williams's due process rights under Parratt-Hudson. We have not addressed whether the act creates a "quasi-property" interest that invokes Parratt-Hudson analysis. We need not answer the question in this case. Assuming arguendo that a constitutionally protected interest exists, we will apply Parratt-Hudson in reviewing Williams's argument.

In deciding whether state action violated William's right to procedural due process under a Parratt-Hudson-analysis, it must first be determined whether the state action deprived Williams of a protected interest such as life, liberty, or property. Augustine v. Doe, 740 F.2d 322, 326-28 (5th Cir. 1984). Not all deprivations of life, liberty, or property violate procedural due process. If such a deprivation does exist, the second step requires an inquiry "whether the state procedures available for challenging the deprivation satisfy the requirements of due process." Id.

The remedy for wrongful failure to produce public records in accordance with the Louisiana Public Records Act includes a writ of mandamus ordering the production of the documents as well as injunctive relief, damages, costs, and attorney's fees. See La.

Rev. Stat. Ann. 44:35; Hill v. Mamoulides, 482 So.2d 26, 29 (La. Ct. App. 1986).

Because the remedy is not triggered until the request for access to public records is denied or improperly delayed, the "post-deprivation" remedy would be adequate. See Augustine, 740 F.2d at 327-28.

The district court's judgment dismissing Williams's § 1983 complaint is AFFIRMED.