IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7222
Conference Calendar

TROBY DEVON BENSON,

Plaintiff-Appellant,

versus

LEE ROY BLACK, etc. ET AL.,

Defendant-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CA J90-0259-W

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(January 22, 1993)

Before GARWOOD, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Troby Devon Benson filed a civil rights action, alleging that prison officials intentionally deprived him of his property without due process. The gravamen of his complaint lies in his challenge to the adequacy of Mississippi's post-deprivation process.

"It is axiomatic that a plaintiff who files suit under 42 U.S.C. § 1983 may recover only if he proves a constitutional violation." Lewis v. Woods, 848 F.2d 649, 652 (5th Cir. 1988).

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* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Under the Parratt/Hudson doctrine**, Benson cannot state a due process claim under § 1983 if Mississippi provides him with an adequate post-deprivation remedy. See Caine v. Hardy, 943 F.2d 1406, 1412 (5th Cir. 1991), cert. denied, 112 S.Ct. 1474 (1992). Benson asserts that MDOC's procedure is inadequate to satisfy the due process requirement because it provides no remedy when an inmate voluntarily signs an incorrect inmate property form.

Benson's argument that he should have a remedy even though he signed the inmate property form is a frivolous challenge to the adequacy of the post-deprivation procedure. The practice of requiring a prisoner to read and sign a list of impounded and confiscated property and using the signed list as verification of the items is reasonably related to the prison's legitimate interest in maintaining order. An inmate's uncoerced willingness to sign an inaccurate property form does not render the procedure inadequate nor does it state a claim under § 1983.

Benson raises two additional arguments on appeal: 1) a regulation designating shaving powder and batteries as contraband items is irrational and thus unconstitutional and 2) the procedure used to open and inventory a package which arrived at the prison from his home after he filed his brief is unconstitutional. We do not address these issues because they

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** The Parratt/Hudson doctrine takes its name from two Supreme Court cases: Parratt v. Taylor, 451 U.S. 527, 101 S.Ct. 1908, 68 L.Ed.2d 420 (1981) (overruled in part, not relevant here, by Daniels v. Williams, 474 U.S. 327, 106 S.Ct. 662, 88 L.Ed.2d 662 (1984)) and Hudson v. Palmer, 468 U.S. 517, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984).

have not been presented to the district court. See United States v. Garcia-Pillado, 898 F.2d 36, 39 (5th Cir. 1990).

Benson has proved "no set of facts in support of his claim which would entitle him to relief." McCormack v. National Collegiate Athletic Association, 845 F.2d 1338, 1343 (5th Cir. 1988). The judgment of the district court is AFFIRMED.