

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7602
Conference Calendar

WILLIAM MEADOWS,

Plaintiff-Appellant,

versus

J. A. COLLINS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA G92-403
- - - - -
(January 22, 1993)

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

PER CURIAM:*

A complaint may be dismissed as frivolous "where it lacks an arguable basis either in law or in fact." Denton v. Hernandez, ___ U.S. ___, 112 S.Ct. 1728, 1733, 118 L.Ed.2d 340 (1992) (citation omitted). A section 1915(d) dismissal is reviewed for abuse of discretion. Id. at 1734.

In order to prove a claim under § 1983, a plaintiff must show that the defendant deprived him of a right secured by the Constitution and laws of the United States while acting under

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

color of state law. Manax v. McNamara, 842 F.2d 808, 812 (5th Cir. 1988).

Plaintiff, a prison inmate, alleges that prison officials lost his personal property placed in storage while he was housed on a disciplinary unit. An intentional or negligent "deprivation of property by a state employee does not constitute a violation of the procedural requirements of the Due Process Clause of the Fourteenth Amendment if a meaningful postdeprivation remedy for the loss is available." Hudson v. Palmer, 468 U.S. 517, 533, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984). Because the state courts provide plaintiff with a post-deprivation remedy for his losses, he has failed to allege a constitutional violation. Lewis v. Woods, 848 F.2d 649, 652 (5th Cir. 1988).

The district court's dismissal of the § 1983 claim was not an abuse of discretion.

AFFIRMED.