

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-5068  
Conference Calendar

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LAURA PELETZ,

Plaintiff-Appellant,

versus

LUCKY DE LOUCHE, PAT MINALDI, and  
WAYNE MCELVEEN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 93-CV-503  
- - - - -  
(January 6, 1994)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

In her 42 U.S.C. § 1983 complaint, which she filed in forma pauperis (IFP), Laura Peletz alleged that Calcasieu Parish, Louisiana, officials deprived her of property without due process. A district court may dismiss an IFP complaint that it determines to be frivolous. 28 U.S.C. § 1915(d); Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993). A claim that has no arguable basis in law or fact is subject to such a dismissal, which we review for abuse of discretion. Booker, 2 F.3d at 115.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Neither negligent nor intentional deprivations of property by state officials rise to the level of due process violations if state law provides adequate post-deprivation remedies. Hudson v. Palmer, 468 U.S. 517, 533, 104 S. Ct. 3194, 82 L. Ed. 2d 393 (1984); Marshall v. Norwood, 741 F.2d 761, 763-64 (5th Cir. 1984). Louisiana provides an adequate post-deprivation remedy for a property loss claim. Marshall, 741 F.2d at 763-64; La. Civ. Code Ann. art. 2315 (West Supp. 1993).

The adequacy of the state remedy means that Peletz has no basis in law for her federal civil rights claim. The district court did not abuse its discretion in dismissing the action as frivolous. Similarly, the appeal is frivolous. See 5th Cir. R. 42.2. Accordingly, the

APPEAL is DISMISSED.