

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7253
Conference Calendar

LARRY WEST,

Plaintiff-Appellant,

versus

RICHARD L. GRAY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CV-5:92-91(BR) (C)

- - - - -
August 17, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Larry West, a Mississippi state prisoner, filed an in forma pauperis (IFP) civil rights complaint under 42 U.S.C. § 1983. He contends that addresses and photographs of friends and relatives were improperly taken from him, constituting an unauthorized, intentional deprivation of his personal property in violation of the procedural requirements of the Due Process Clause of the Fourteenth Amendment.

"An unauthorized intentional deprivation of property by a

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

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). Mississippi state law recognizes the existence of a cause of action for an improper taking. See Masonite Co. v. Williamson, 404 So. 2nd 565, 567 (Miss. 1981).

West concedes that a post-deprivation remedy exists, but argues that the remedy is inadequate in this case because it "requires that items be listed sep[a]rately as well as placing a value on each and every item. Being that the complained of property consists mostly of 'pages of addresses and photos of friends and relatives' no itemized list of same can be properly made."

If West can describe the property as he has done for this Court, he can just as easily construct a sentence or two for a state court action and put a monetary value on the items. His argument is disingenuous.

West's appeal is DISMISSED as frivolous. See 5th Cir. R. 42.2.