

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-30287  
Conference Calendar

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GEORGE ROLAND, JR.,

Plaintiff-Appellant,

versus

RICHARD L. STALDER, Secretary,  
JOHN P. WHITLEY, Warden, Louisiana  
State Penitentiary, and PHILIP  
BOURGOYNE, Accounting Supervisor,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. CA-93-730-B-M2  
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(January 24, 1995)

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

PER CURIAM:\*

George Roland, Jr., filed a complaint against various prison officials alleging that a money order was sent to him at the Louisiana State Penitentiary in Angola, Louisiana, without his prisoner number on it and that the money order was deposited in another prisoner's account rather than being returned to the sender, as is required by prison regulation. The money order was sent to the prison in an envelope addressed by name and prisoner

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

number to another prisoner named George Roland. The district court dismissed the suit as frivolous under 28 U.S.C. § 1915(d).

A district court may dismiss an in forma pauperis complaint as frivolous pursuant to § 1915(d), if it has no arguable basis either in law or in fact. Booker v. Koonce, 2 F.3d 114, 115-16 (5th Cir. 1993); see Denton v. Hernandez, \_\_\_ U.S. \_\_\_, 112 S. Ct. 1728, 1733, 1819 L. Ed. 2d 340 (1992). This Court reviews a § 1915(d) dismissal under the abuse-of-discretion standard. Denton, 112 S. Ct. at 1734.

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, 533-534, 104 S. Ct. 3194, 82 L. Ed. 2d 393, (1984); Marshall v. Norwood, 741 F.2d 761, 763-764 (5th Cir. 1984). The adequate-state-remedies analysis is not applicable if the deprivation of property results from "established state procedure, rather than random and unauthorized action." See Logan v. Zimmerman Brush Co., 455 U.S. 422, 435-36, 102 S. Ct. 1148, 71 L. Ed. 2d 265 (1982). Roland does not challenge the procedure for disbursing money to prisoners; therefore, he cannot avoid an adequate-state-remedies analysis. Roland simply argues that the defendants did not follow established prison procedures. Louisiana provides an adequate post-deprivation remedy on property loss claims. Marshall, 741 F.2d at 763-764; La. Civil Code Ann. art. 2315 (West Supp. 1991). The district court did not abuse its discretion in dismissing this complaint as frivolous.

Roland also argues that the district court improperly dismissed the complaint without service of process. The district court may dismiss a complaint as frivolous without additional proceedings if the individual circumstances of the case demonstrate that the plaintiff has pleaded his "best" case. See Jacquez v. Procunier, 801 F.2d 789, 793 (5th Cir. 1986).

Roland has not presented an issue of arguable merit on appeal and his appeal is frivolous. See Howard v. King, 707 F.2d. 215, 219-220 (5th Cir. 1983). Accordingly, his appeal is DISMISSED. See 5th Cir. R. 42.2.