

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-40931  
Conference Calendar

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KIRK K. VENTERS,

Plaintiff-Appellant,

versus

CHARLES R. MARTIN, Etc., ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 94-CV-105  
- - - - -

(January 25, 1995)

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

PER CURIAM:\*

Kirk Venters appeals the dismissal of his civil rights  
complaint as frivolous.

A reviewing court will disturb a district court's dismissal  
of a pauper's complaint as frivolous only on finding an abuse of  
discretion. A district court may dismiss a complaint 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)(quoting *Neitzke v. Williams*, 490

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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that this opinion should not be published.

U.S. 319, 325, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989)).

Prisoners have only limited Fourth Amendment rights. *Hudson v. Palmer*, 468 U.S. 517, 526-28, 104 S. Ct. 3194, 82 L. Ed. 2d 393 (1984). Venters does not allege that his property was improperly inventoried when he was moved to the G Line and transient status. Whatever Fourth Amendment rights a prisoner may retain, a legitimate inventory of prisoner property does not infringe those rights. *See id.* Venters's Fourth Amendment contention therefore is frivolous.

To the extent that Venters's factual allegations could give rise to a due process contention, that contention must fail. Whether or not TEX. GOV'T CODE ANN. § 501.007 (West supp. 1994) provides a remedy, Texas provides adequate legal remedies for deprivation of prisoners' property. *Thompson v. Steele*, 709 F.2d 381, 383 (5th Cir.), *cert. denied*, 464 U.S. 897 (1983).

AFFIRMED.