

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60582  
Conference Calendar

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ADOLPH BRYANT JR. II,

Plaintiff-Appellant,

versus

JERRY MCCLAIN ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 94-CV-4

- - - - -  
(January 27, 1995)

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

PER CURIAM:\*

The February 1993 searches of Adolph Bryant, Jr. II's automobile produced evidence used to convict him on two charges of possession of a controlled substance with intent to distribute. Judgment in Bryant's favor would establish the unlawfulness of the searches that yielded the evidence used to convict Bryant. If those searches proved unlawful, such a finding would render the convictions invalid. As Bryant's convictions have not been reversed or otherwise invalidated, the

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

§ 1983 claims arising from the February 1993 searches were properly dismissed. See Heck v. Humphrey, \_\_\_ U.S. \_\_\_, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994).

"[A]n unauthorized intentional 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 post-deprivation remedy for the loss is available." Hudson v. Palmer, 468 U.S. 517, 533, 104 S. Ct. 3194, 82 L. Ed. 2d 393 (1984). The State of Mississippi's post-deprivation remedies satisfy due process by providing a procedure, not conditioned on payment of a fee, through which an indigent litigant can seek redress. Nickens v. Melton, 38 F.3d 183 (5th Cir. 1994). Because Mississippi provides adequate post-deprivation remedies, Bryant's rights under the Fourteenth Amendment are not implicated in the alleged theft of his property by police, and his claim was properly dismissed.

Bryant's briefs do not address the merits of his claim arising out of the September 1993 search of his home. Thus, Bryant has intentionally abandoned the issue, and we do not address it. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.