

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20731
Summary Calendar

WILBERT VALLIER,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA, ET AL.,

Defendants,

UNITED STATES OF AMERICA

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-94-3646)

February 27, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Wilbert Vallier, a federal prisoner, appeals *pro se* the dismissal of his civil action. The district court concluded that Vallier's claim was not one to which the Federal Tort Claims Act's limited waiver of sovereign immunity applied.

Pursuant to our *de novo* review, we hold that Vallier's claim (that correctional officers lost one of his tennis shoes) is encompassed by an exception to the waiver of sovereign immunity

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

under the FTCA. Section 2680, which creates several exceptions to that waiver, includes one for damages resulting from detention of goods by law enforcement officers. See 28 U.S.C. §2680(c). This exception leaves the United States' sovereign immunity intact with regard to the claim, and thus the district court properly granted the United States' motion to dismiss.

AFFIRMED.