

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-1893
Conference Calendar

ALLAN M. BREUER,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. CA3-92-689-T

- - - - -
May 6, 1993

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

PER CURIAM:*

Allan M. Breuer's claim is not based upon the actions of the United States marshals. The marshals followed his mailing directions. The property was apparently lost when postal authorities delivered the property to the designated address and the property was misappropriated by Doug Kast. Negligence in the transmission and delivery of mail is not a viable basis of suit against the United States under the Federal Tort Claims Act. Perez v. United States, 830 F.2d 54, 60 (5th Cir. 1987); 28 U.S.C. § 2680(b). Accordingly, the decision of the district

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

court is AFFIRMED.