

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3861
Conference Calendar

CHRISTOPHER O. ERUCHALU,

Plaintiff-Appellant,

versus

JAMES CHAVENAUT, UNKNOWN DOUCET,
Lieutenant, and E. WOODARD,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. CA 93-849-A-M1
- - - - -

(May 18, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

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, 533-34, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984); Marshall v. Norwood, 741 F.2d 761, 763-64 (5th Cir. 1984). Louisiana provides an adequate post-deprivation remedy for Christopher O. Eruchalu's property loss claim. Marshall, 741 F.2d at 763-64; La. Civ. Code Ann. art. 2315 (West Supp. 1991).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The district court was not required to afford Eruchalu an opportunity to amend his complaint prior to dismissing the suit. Based on the factual situation described in Eruchalu's complaint, it does not appear that there is any way that Eruchalu could have amended his pleadings to allege a constitutional violation. See Jacquez v. Procunier, 801 F.2d 789, 793 (5th Cir. 1986).

The dismissal of Eruchalu's complaint pursuant to 28 U.S.C. § 1915(d) was within the discretion of the district court. Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992).

AFFIRMED.