

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50392
Summary Calendar

FRANK IVY,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CV-824
- - - - -

January 30, 1998

Before DUHE', DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:*

Frank Ivy, federal prisoner # 52524-080, appeals the district court's grant of summary judgment for the defendant in this 28 U.S.C. § 1331 civil action for return of seized property. Ivy argues that the DEA should be liable for the loss of his property; that the district court abused its discretion in not ruling on his oral motion for return of property; and that the district court was not limited to consideration of equitable relief but that the district court had jurisdiction to award

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

monetary damages pursuant to Bivens, the Administrative Procedure Act (APA), 5 U.S.C. § 702, and the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2675. He also argues that the district court erred in holding that his state law remedies were adequate. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm for the reasons given by the district court. Ivy v. United States, No. A-95-CA-824-JN (W.D. Tex. Feb. 21, 1997).

AFFIRMED.