

United States Court of Appeals  
For the Eighth Circuit

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No. 19-1376

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Raphael Mendez

*Plaintiff - Appellant*

v.

Bryan Meek, Correctional Officer; Lt. Holbus, Correctional Officer; Lt. Sladek, Correctional Officer; Ms. Whiplinger, Correctional Officer; Ms. G. Balas, Unit Disciplinary Officer; T. Muller, Unit Disciplinary Officer; Warden David Paul, et al.

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of Minnesota

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Submitted: August 9, 2019  
Filed: August 21, 2019  
[Unpublished]

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Before BENTON, SHEPHERD, and KELLY, Circuit Judges.

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PER CURIAM.

Federal civil detainee Raphael Mendez appeals after the district court<sup>1</sup> dismissed his pro se civil rights complaint, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). He challenges the dismissal of his claim asserting that confiscation of his property violated his due process rights.

Upon careful review of the record and Mendez's arguments on appeal, we conclude that the dismissal was proper. See Hudson v. Palmer, 468 U.S. 517, 533 (1984) (unauthorized deprivation of property by government official does not violate procedural due process unless suitable post-deprivation remedy is unavailable); see also 28 C.F.R. § 542.10-.19 (setting forth Bureau of Prison's administrative remedy procedures); Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (de novo review of § 1915(e)(2)(B) dismissal); cf. Gardner v. Howard, 109 F.3d 427, 430 (8th Cir. 1997) (there is no liability under 42 U.S.C. § 1983 based only on prison official's violation of prison policy). Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Eric C. Tostrud, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Hildy Bowbeer, United States Magistrate Judge for the District of Minnesota.