

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-14579

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCT 12, 2006 THOMAS K. KAHN CLERK

D. C. Docket No. 02-00434 CV-P-M

LARRY EARL MILLER,

Plaintiff-Appellant,

versus

RALPH HOOKS, Warden, individually, and in his official capacity as Warden of St. Clair Correctional Facility Prison for men, BOYD KELLY DERRICK, Mail Clerk, individually, and in his official capacity as mail clerk of the St. Clair Correctional Facility Prison for men,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Alabama

(October 12, 2006)

Before ANDERSON and DUBINA, Circuit Judges, and VINSON,* District Judge.

PER CURIAM:

*Honorable C. Roger Vinson, United States District Judge for the Northern District of Florida, sitting by designation.

After oral argument and careful consideration, we conclude that the judgment of the district court is due to be affirmed. Although the district court opinion dated July 25, 2005, is probably correct with respect to all of the several grounds relied upon, we need hold only that plaintiff has clearly failed to show that any deprivation by defendants was intentional. There is ample evidence that the Department of Corrections was reasonable in using the name Evans under which plaintiff was sentenced. Also, plaintiff has adduced evidence of only two instances of failure to receive mail, and defendant expressly advised plaintiff of an easy means for plaintiff to avoid any such mistake, which advice plaintiff ignored.

AFFIRMED.