

United States Court of Appeals
For the Eighth Circuit

No. 16-1176

Cletis Goodman

Plaintiff - Appellant

v.

Sanfford Pollack

Defendant

Jennifer Stehlik Ladman

Defendant - Appellee

Brody Duncan; State of Nebraska, Seward County Nebraska & Sheriff
Department; Thomas R. Johnson; State of Nebraska

Defendants

Seward County, Nebraska; Seward County Sheriff's Office

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: August 24, 2016

Filed: August 29, 2016

[Unpublished]

Before COLLOTON, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Cletis Goodman appeals from the order of the District Court¹ dismissing his 42 U.S.C. § 1983 action that alleged due process violations related to the seizure of his personal property during a criminal investigation. After careful review, we conclude that Goodman could not proceed on a due-process claim because Nebraska law provides an adequate post-deprivation remedy. See Hudson v. Palmer, 468 U.S. 517, 533 (1984) (holding “that an unauthorized intentional deprivation of property by a state employee does not constitute a violation of the procedural requirements of the Due Process Clause . . . if a meaningful postdeprivation remedy for the loss is available”); State v. Agee, 741 N.W.2d 161, 168 (Neb. 2007) (noting in an appeal from an order overruling a motion for the return of property seized in a criminal case “that the government’s disposition . . . of property does not moot a motion for return of the property”); see also Adams v. Am. Family Mut. Ins. Co., 813 F.3d 1151, 1154 (8th Cir. 2016) (“We review de novo a district court’s grant of a motion to dismiss.”); Spirtas Co. v. Nautilus Ins. Co., 715 F.3d 667, 670–71 (8th Cir. 2013) (“This court can affirm on any basis supported in the record.”).

We affirm the judgment of the District Court and deny the pending motion for sanctions.

¹The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.