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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DENNIS WAYNE SPINDLE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 81-0579-R
)	
CLAUDE HUGHES, Sheriff,)	
)	
Defendant.)	

MEMORANDUM OPINION

This matter comes before the court on the defendant's motion for summary judgment under Rule 56(b). See Fed. R. Civ. P. 56(b). For the reasons stated below, the court grants this motion.

Dennis Wayne Spindle is a state prisoner held at the Rappahannock Security Center (Va.). On June 19, 1981, Spindle filed a section 1983 action against Claude Hughes, the custodian of Rappahannock. Spindle's complaint essentially makes three allegations: first, that the prison canteen charges inmates twenty cents for an eighteen-cent postage stamp; second, that Hughes and his staff do not provide adequate protection from attacks by fellow inmates; and, third, that the prison does not have any rehabilitation programs. Hughes moved for summary judgment on October 14, 1981. The court gave Spindle twenty days in which to respond to the motion with opposing affidavits. He has failed to reply. As a consequence, the court must enter summary judgment for Hughes.

Spindle's claim about the price of postage stamps does not rise to the level of a constitutional violation. The due process clause protects him from property deprivations without procedural safeguards. Charging twenty cents for an eighteen-cent postage stamp, however, does not amount to a "deprivation" of property. The court, therefore, rules that the price charged by the canteen for stamps does not qualify as a due process

violation.

Spindle's second allegation is that Hughes and his officers provide inadequate security for the inmates. For a prisoner to recover under such a claim, he must make one of three assertions. First, the inmate may allege that "a pervasive risk of harm" exists in the prison. See Withers v. Levine, 615 F.2d 158, 161 (4th Cir.), cert. denied, 449 U.S. 849 (1980); Woodhaus v. Levine, 487 F.2d 889, 890 (4th Cir. 1973). Second, the plaintiff may assert that prison officials have knowledge that he is in danger and have failed to take reasonable steps to protect him. See Penn v. Oliver, 351 F. Supp. 1292, 1294 (E.D. Va. 1972). Finally, the prisoner may allege that prison officials have failed to segregate an inmate identified as unusually dangerous. See McCray v. Sullivan, 509 F.2d 1332, 1334 (5th Cir.), cert. denied, 423 U.S. 859 (1975). Spindle has not made any of these assertions in his complaint. He cannot rest on a general allegation of insufficient security. Thus, the court may enter summary judgment on the second claim.

Spindle's final allegation is that Rappahannock does not have any rehabilitation programs. Unfortunately, there is no constitutional right to rehabilitation. See Bowring v. Godwin, 551 F.2d 44, 48 n.2 (4th Cir. 1977); French v. Heyne, 547 F.2d 994, 1002 (7th Cir. 1976). As a consequence, the court also must dismiss this claim.

United States District Judge

Date: _____