

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-12870

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 11 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 94-02700 CV-TWT-1

SALVADOR MAGLUTA,

Plaintiff-Appellant,

versus

F.P. SAM SAMPLES,
MICHAEL W. GARRETT,
MICHAEL BELL,

Defendants-Appellees.

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

(June 11, 2007)

Before DUBINA and BLACK, Circuit Judges, and RESTANI,* Judge.

PER CURIAM:

*Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.

Appellant/Plaintiff, Salvador Magluta, appeals the district court's order granting summary judgment on his *Bivens*¹ action. After reviewing the record, reading the parties' briefs, and having the benefit of oral argument, we first conclude that the evidence does not establish that the conditions of Magluta's pretrial detention amounted to punishment, in violation of his Fifth Amendment substantive due process rights. Magluta posed a serious and legitimate security risk, and his detention was not an exaggerated response.

We conclude from the record, moreover, that, regardless of whether Magluta had a protected liberty interest, he received all the process he was due.

Accordingly, we affirm the district court's grant of summary judgment.

AFFIRMED.

¹*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 91 S. Ct. 1999 (1971).