



Federal inmate Earnest Conrod appeals the district court's pre-service dismissal of his civil action. The district court found that Conrod had failed to state a constitutional claim. Having reviewed the record de novo, see Cooper v. Schriro, 189 F.3d 781, 783 (8th Cir. 1999) (per curiam), we conclude dismissal of Conrod's constitutional claims was proper. We believe, however, that Conrod sufficiently stated a Privacy Act claim against the Bureau of Prisons, see 5 U.S.C. § 552a; Sellers v. Bureau of Prisons, 959 F.2d 307, 312 (D.C. Cir. 1992) (if agency willfully or intentionally makes adverse determination based on records that are not maintained with "such accuracy, relevance, timeliness, and completeness as is reasonably necessary," agency will be liable for money damages), and that this claim warrants remand for service of process. On remand Conrod should be given the opportunity to amend his complaint to include a tort claim: his filings indicate he may have been attempting to present such a claim, and a letter attached to his complaint suggests that he has exhausted his administrative remedies under the Federal Tort Claims Act, 28 U.S.C. §§ 2671-2680. Accordingly, we affirm in part and remand for further proceedings. We deny Conrod's pending motion.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.