

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 11-2225

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Brian True,

Appellant,

v.

State of Nebraska; Robert Houston,  
Director, Department of Correctional  
Services, an Agency of the State of  
Nebraska; Diane Sabatka-Rine,  
Warden, Lincoln Correctional Center;  
Robert Madsen, Deputy Warden,  
Lincoln Correctional Center,

Appellees.

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Appeal from the United States  
District Court for the  
District of Nebraska.

[UNPUBLISHED]

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Submitted: September 23, 2011  
Filed: October 12, 2011

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Before LOKEN, GRUENDER and BENTON, Circuit Judges.

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PER CURIAM.

After a non-jury trial, the district court<sup>1</sup> dismissed Brian L. True's suit for violation of his Fourth Amendment rights. *True v. Nebraska*, 2011 WL 1791353 (D.Neb. May 11, 2011), *remanded by* 612 F. 3d 676, 683 n.5 (8th Cir. 2010). The

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<sup>1</sup>The Honorable Joseph F. Bataillon, Chief United States District Judge for the District of Nebraska.

district court specifically found that community custody inmates “have unsupervised access to the [prison] parking lot,” and thus the random search of True’s vehicle was reasonable “to keep contraband out of the institution.” True appeals.

The judgment of the district court is based on findings of fact that are not clearly erroneous, and no error of law appears.

The judgment is affirmed. *See* 8th Cir. R. 47B.

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