

fully accommodated the prisoner's rights at *de minimis* cost to valid penological interests," it would suggest unreasonableness.<sup>1213</sup>

Fourth Amendment protection is incompatible with "the concept of incarceration and the needs and objectives of penal institutions"; hence, a prisoner has no reasonable expectation of privacy in his prison cell protecting him from "shakedown" searches designed to root out weapons, drugs, and other contraband.<sup>1214</sup> Avenues of redress "for calculated harassment unrelated to prison needs" are not totally blocked, the Court indicated; inmates may still seek protection in the Eighth Amendment or in state tort law.<sup>1215</sup> Existence of "a meaningful postdeprivation remedy" for unauthorized, intentional deprivation of an inmate's property by prison personnel protects the inmate's due process rights.<sup>1216</sup> Due process is not implicated at all by negligent deprivation of life, liberty, or property by prison officials.<sup>1217</sup>

A change of the conditions under which a prisoner is housed, including one imposed as a matter of discipline, may implicate a protected liberty interest if such a change imposes an "atypical and significant hardship" on the inmate.<sup>1218</sup> In *Wolff v. McDonnell*,<sup>1219</sup> the Court promulgated due process standards to govern the imposition of discipline upon prisoners. Due process applies, but, because prison disciplinary proceedings are not part of a criminal prosecution, the full panoply of a defendant's rights is not available. Rather, the analysis must proceed by identifying the interest in "liberty" that the clause protects. Thus, where the state provides for good-time credit or other privileges and further provides for forfeiture of these privileges only for serious misconduct, the interest of the prisoner in this degree of "liberty" entitles him to the minimum procedures appropriate under the circumstances.<sup>1220</sup> What the minimum procedures consist of is to be determined by balancing the prison-

<sup>1213</sup> 482 U.S. at 91.

<sup>1214</sup> *Hudson v. Palmer*, 468 U.S. 517, 526 (1984); *Block v. Rutherford*, 468 U.S. 576 (1984) (holding also that needs of prison security support a rule denying pretrial detainees contact visits with spouses, children, relatives, and friends).

<sup>1215</sup> *Hudson v. Palmer*, 468 U.S. 517, 530 (1984).

<sup>1216</sup> *Hudson v. Palmer*, 468 U.S. 517, 533 (1984) (holding that state tort law provided adequate postdeprivation remedies). *But see* *Zinermon v. Burch*, 494 U.S. 113 (1990) (availability of postdeprivation remedy is inadequate when deprivation is foreseeable, predeprivation process was possible, and official conduct was not "unauthorized").

<sup>1217</sup> *Daniels v. Williams*, 474 U.S. 327 (1986); *Davidson v. Cannon*, 474 U.S. 344 (1986).

<sup>1218</sup> *Sandin v. Conner*, 515 U.S. 472, 484 (1995) (30-day solitary confinement not atypical "in relation to the ordinary incidents of prison life").

<sup>1219</sup> 418 U.S. 539 (1974).

<sup>1220</sup> 418 U.S. at 557. This analysis, of course, tracks the interest analysis discussed under "The Interests Protected: Entitlements and Positivist Recognition," *supra*.