

April 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41478
Summary Calendar

MICHAEL ALEX FIELDS,

Plaintiff-Appellant,

versus

JIMMY PACE; UNIDENTIFIED STRIBLIN;
W. OWENS; UNIDENTIFIED GALLOW,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:04-CV-143

Before JONES, BARKSDALE and PRADO, Circuit Judges.

PER CURIAM:*

Michael Alex Fields, Texas prisoner # 605621, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint for failure to comply with the magistrate judge's order to submit a standardized 42 U.S.C. § 1983 form. He argues that the district court abused its discretion in dismissing his complaint with prejudice as his original complaint was not deficient and complied with the Federal Rules of Civil Procedure and the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

general rules of pleading. We need not decide the issue, however, because the district court determined in the alternative that Fields's complaint should be dismissed as his claims were barred by Edwards v. Balisok, 520 U.S. 641, 648 (1997). Because Fields's claims would necessarily imply the invalidity of the prison disciplinary action if successful, the district court did not err in determining that the claims were barred by Edwards. Therefore, the court AFFIRMS the district court's judgment on this ground. See Esteves v. Brock, 106 F.3d 674, 676 (5th Cir. 1997); Sojourner T v. Edwards, 974 F.2d 27, 30 (5th Cir. 1992). The district court, however, should have dismissed Fields's complaint without prejudice to his right to refile the complaint in the future if his disciplinary case is reversed or declared invalid. See Clarke v. Stalder, 154 F.3d 186, 189 (5th Cir. 1998) (en banc). As a result, the court MODIFIES the district court's judgment to reflect that the dismissal is without prejudice.

AFFIRMED AS MODIFIED.