

August 16, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40803
Conference Calendar

RANDALL ADAMS, also known as Wild Man,

Petitioner-Appellant,

versus

DAVID G. JUSTICE, Warden of Federal Correctional Institute,
Texarkana,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:03-CV-254-TJW

Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Randall Adams, federal prisoner # 04632-043, is currently serving a 135-month sentence following his convictions for distributing cocaine and cocaine base. He appeals the dismissal, without prejudice, of his 28 U.S.C. § 2241 petition, which he filed to challenge the legality of his detention.

Adams argues that the district court applied an overly rigid standard to his pro se amended petition. Adams amended his petition in response to an order issued by the magistrate judge.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

A district court may sua sponte dismiss an action for failure to prosecute or to comply with any court order. FED. R. Civ. P. 41(b); McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988). Here, the record shows that the amended petition did not conform to the order issued by the magistrate judge. Specifically, Adams filed an excess of pages, failed to concisely state his grounds for relief, and failed to briefly summarize the facts supporting his grounds for relief.

Because Adams failed to comply with an order issued by the district court, the without-prejudice dismissal of his petition was not an abuse of discretion. See id.; McNeal v. Papasan, 842 F.2d 787, 789-90 (5th Cir. 1988). Accordingly, the judgment of the district court is AFFIRMED.