

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20498
Summary Calendar

ROGER LEE DICKERSON,

Plaintiff-Appellant,

versus

OFFICER JORDAN, Correctional Officer;
C. PRICE, Major; WARDEN F. FIGUEROA;
BILL LEWIS; GARY L. JOHNSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-4324

October 31, 2000

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Roger Lee Dickerson, Texas prisoner # 371312, appeals the district court's dismissal of his civil rights complaint for failure to comply with the court's orders to file copies of his complaint for service on the defendants and failure to provide adequate responses to the district court's order for a more definite statement. Although the district court dismissed Dickerson's suit without prejudice, he is effectively barred from refileing because of the two-year statute of limitations.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

See Long v. Simmons, 77 F.3d 878, 879-80 (5th Cir. 1996); Owens v. Okure, 488 U.S. 235, 249-50 (1989)(the general provision injury statute of limitations for the forum state is used for 42 U.S.C. § 1983 claims); TEX. CIV. PRAC. & REM. CODE ANN. § 16.003 (2000). The record does not show that Dickerson's failure was the result of contumaciousness or an attempt to delay the proceedings. See Colle v. Brazos County, Tex., 981 F.2d 237, 243 (5th Cir. 1993). The record also does not show that the court considered lesser sanctions before dismissing Dickerson's lawsuit. See Long, 77 F.3d at 880.

The judgment of the district court dismissing Dickerson's complaint is VACATED, and the case is REMANDED for further proceedings. Dickerson is cautioned that this opinion does not excuse him from compliance with the orders issued by the district court if the court elects to reinstate those orders upon remand. Dickerson is further cautioned that a failure to comply with the district court's orders in the future may result in dismissal of his § 1983 lawsuit.

VACATED AND REMANDED.