

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-9039
Summary Calendar

BILLY JOE BURROUGHS,

Plaintiff-Appellant,

versus

CITY OF DALLAS POLICE DEPT. ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(3:92 CV 0179 G)

June 30, 1993

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Appellant Burroughs is attempting to appeal the district court's dismissal of his lawsuit against two police officers of the City of Dallas. The dismissal was granted after Burroughs failed to comply with the district court's order that he effect proper service of process upon appellees McCalp and Scarborough. We dismiss the appeal as frivolous.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

First, we are unable to understand what Burroughs is trying to tell us on appeal. He has not explained in plain and simple English, much less with appropriate legal citation, how the district court erred in dismissing his case. Second, even if appellant had properly objected to the district court's dismissal order, we would not overturn its judgment. Burroughs filed his amended complaint against Officers Scarborough and McCalp on June 4, 1992. Fed. R. Civ. P. 4(j) requires dismissal of a case if service is not made upon the defendants within 120 days after the complaint is filed. Traina v. United States, 911 F.2d 1155, 1156 (5th Cir. 1990). On October 5, at the conclusion of the 120-day period, the district court gave Burroughs an additional 20 days to effect service of process, and the court warned Burroughs that failure to comply would subject his case to dismissal. Burroughs did not serve the appellees. The court dismissed his case. Burroughs was adequately forewarned what would happen. His failure to obey the court's proper order resulted in dismissal.

Because this appeal lacks all merit, we dismiss it.

DISMISSED.