

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1514
Conference Calendar

RAMON X. EVANS,

Plaintiff-Appellant,

versus

TARRANT COUNTY SHERIFF'S
DEPARTMENT,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:92-CV-651-A
- - - - -

August 18, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Ramon X. Evans filed a pro se, in forma pauperis (IFP) 42 U.S.C. § 1983 complaint against the Tarrant County Sheriff's Department; Warden Skidmore; the associate wardens; the mailroom supervisor; the health administrator; and the grievance officer. The district court dismissed the complaint as frivolous, and this Court affirmed the judgment to the extent it held that habeas corpus is the appropriate federal remedy for Evans's ineffective-assistance-of-counsel claim, but vacated and remanded the

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

judgment to permit Evans's to amend his complaint to the extent he alleged colorable civil rights claims. Evans v. Tarrant County Sheriff's Dep't, No. 92-1894 (5th Cir. Mar. 1, 1993) (unpublished).

On remand the district court ordered Evans to amend his complaint to name the specific individuals who allegedly deprived him of his constitutional rights and to develop a factual basis for his claims. In response Evans filed an amendment naming the individuals who allegedly violated his constitutional rights, but failed to provide any factual details to support his allegations. The district court dismissed the complaint without prejudice for failure to comply with the court order.

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). This Court reviews a Rule 41(b) dismissal for an abuse of discretion. Id.

The district court did not abuse its discretion by dismissing Evans's complaint without prejudice. Evans failed to comply with the court's order to provide a factual basis for his constitutional claims. Significantly, the district court noted that Evans would not be time-barred from reasserting his claims in an appropriate manner.

AFFIRMED.