

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-1566  
Conference Calendar

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RONALD DWAYNE WHITFIELD,

Plaintiff-Appellant,

versus

SERGEANT MITCHELL, TDCJ,  
Robertson Unit, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:93-CV-050-C  
- - - - -

August 18, 1993

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Ronald Dwayne Whitfield filed a pro se, in forma pauperis (IFP) civil rights complaint alleging an Eighth Amendment excessive-force claim. Because Whitfield's complaint contained one paragraph of factual allegations and ended in midsentence, the district court ordered Whitfield to file an amended complaint by May 6, 1993, or the complaint would be dismissed. Whitfield did not comply with the court's order, and the district court dismissed the complaint under 28 U.S.C. § 1915(d).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

A complaint filed IFP can be dismissed sua sponte if the complaint is frivolous. 28 U.S.C. § 1915(d); Cay v. Estelle, 789 F.2d 318, 323 (5th Cir. 1986). A complaint is frivolous if it lacks an arguable basis in law or fact. Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992). This Court reviews the district court's dismissal for an abuse of discretion. Id.

In its order requiring Whitfield to amend his complaint the district court implicitly determined that the original complaint was frivolous. Because Whitfield failed to comply with the court's order to amend his complaint to allege sufficient facts to establish a factual or legal basis for his claims, the district court did not abuse its discretion by dismissing the complaint as frivolous. See Watson v. Ault, 525 F.2d 886, 891-92 (5th Cir. 1976).

AFFIRMED.