

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-3633  
Conference Calendar

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ROBERT O. KINCHEN, JR.,

Plaintiff-Appellant,

versus

TRANSCARRIERS, INC.,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 93-CV-2083-J(2)  
- - - - -  
(July 20, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:\*

Robert O. Kinchen, Jr., filed a complaint in the district court accusing Transcarriers of committing tax fraud and requested that Transcarriers "make restitution by awarding Mr. Kinchen his purse for social and academic endeavors." The magistrate judge instructed Kinchen to file an amended complaint within twenty days setting forth with specificity the basis for jurisdiction and a clear and concise statement of the facts forming the basis of the claims raised against the defendant.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The order notified Kinchen that the failure to comply in a timely manner would result in dismissal of the complaint. Kinchen failed to comply with this order, and the magistrate judge recommended that Kinchen's complaint be dismissed without prejudice. The district court adopted the magistrate judge's report and recommendation and dismissed Kinchen's complaint without prejudice. Kinchen filed a timely appeal from that order.

A district court may dismiss an action, sua sponte, under Fed. R. Civ. P. 41(b) for failure to comply with a court order. McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988). We review a dismissal without prejudice for abuse of discretion. Id. The district court did not abuse its discretion here by dismissing Kinchen's complaint without prejudice for failing to comply with the magistrate judge's order. Kinchen's initial complaint did not reveal the factual or legal basis for his claim against Transcarriers. His subsequent filings provided no clarification and did not comply with the magistrate judge's order. Accordingly, we affirm the dismissal without prejudice.

AFFIRMED.