

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40419
Conference Calendar

DARRELL DEWAYNE JOHNSON,

Petitioner-Appellant,

versus

WAYNE SCOTT, Director, TDCJ,

Respondent-Appellee.

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Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 6:93-CV-689
- - - - -
(July 22, 1994)

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

PER CURIAM:*

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 Johnson's complaint without prejudice for failing to comply with the magistrate judge's order. Johnson's initial complaint was incomprehensible and did not reveal the factual

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

basis for his grounds of relief or the judgment which he was challenging. His subsequent filings provided no clarification and did not comply with the magistrate judge's order. Johnson's appellate brief is unfathomable, and he has produced nothing on appeal to show that the district court's action was not reasonable.

Johnson is cautioned that any further frivolous filings entered in this Court may result in sanctions which may include monetary fines and restricted access to the federal courts. E.g. Smith v. McCloud, 946 F.2d 417, 418 (5th Cir. 1991); Jackson v. Carpenter, 921 F.2d 68, 69 (5th Cir. 1991). We instruct Johnson that if he has any other appeals pending in this Court at this time, he should review them in light of the foregoing warning and move to withdraw any frivolous filings.

AFFIRMED.