

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-20615
Summary Calendar

OSCAR L. SHAW,

Plaintiff-Appellant,

VERSUS

VERNON K. PITTMAN, Major, JASON COLLIER; M. DODSON, Captain;
W. DOSSEY; UNKNOWN ERDMAN; JOSEPH C. KOVACS;
UNKNOWN ASCHBER; F. E. FIGUEROA,

Defendants-Appellees.

Appeal from the United States District Court
For the Southern District of Texas

(H-96-CV-3780)

April 30, 1998

Before WISDOM, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Oscar L. Shaw, Texas prisoner # 646048, filed a § 1983 action against numerous officials of the Texas Department of Criminal Justice in which he made the following complaints: the defendants (1) unlawfully disciplined him on three occasions, (2) retaliated

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

against him for filing a civil action, (3) denied him access to the law library and indigent supplies, and (4) delayed reordering his medications. The magistrate judge to whom the case was referred ordered Shaw to file a more definite statement and to respond to the order within 30 days. Shaw did not comply with the order. Almost five months later, the district court dismissed Shaw's original complaint without prejudice for failure to comply with the magistrate judge's order.² Shaw timely filed notice of the present appeal. We affirm.

The district court allowed Shaw approximately five months to file a more definite statement. He did not do so, even though the magistrate judge expressly cautioned him against such delinquency. The district court did not abuse its discretion in dismissing Shaw's claim without prejudice for failing to comply with the order to file a more definite statement.³

AFFIRMED.

² The magistrate judge's order expressly stated that "failure to comply as directed may result in the dismissal of this action."

³ See *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988).