

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6244

LEMMIE STUART, a/k/a David Russell Berry,

Plaintiff - Appellant,

versus

COUNTY OF SPARTANBURG; LARRY POWERS, Director
of Spartanburg County Detention Facility;
OFFICER VALASCO,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (CA-99-169-2-23)

Submitted: May 19, 2000

Decided: June 16, 2000

Before MICHAEL, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lemmie Stuart, Appellant Pro Se. Ginger Dee Goforth, HOLCOMBE,
BOMAR, GUNN & BRADFORD, P.A., Spartanburg, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Lemmie Dale Stuart appeals the district court's orders: (1) dismissing his 42 U.S.C.A. § 1983 (West Supp. 1999) motion for failure to prosecute; and (2) denying his motion to alter or amend judgment. Finding no reversible error, we affirm.

A district court may, under Fed. R. Civ. P. 41(b), dismiss a complaint based upon a plaintiff's failure to comply with a court order. See Simpson v. Welch, 900 F.2d 33, 35-36 (4th Cir. 1990). Such dismissals are reviewed for abuse of discretion. See Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989). Because Stuart failed to comply with the magistrate judge's unambiguous order and because the magistrate judge expressly warned Stuart of the consequences of failing to comply with his order, we find that the district court did not abuse its discretion by dismissing Stuart's action for failure to prosecute. See id.

Accordingly, we affirm the district court's orders. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED