

April 29, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-20443  
Summary Calendar

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KENNETH A. HINTON,

Plaintiff-Appellant,

versus

KENNETH L. LAY; ANDREW FASTOW;  
J. CLIFFORD BAXTER, Estate; ENRON CORP.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-02-CV-591  
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Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Kenneth Hinton, federal prisoner # 17746-016, appeals the district court's FED. R. CIV. P. 41(b) dismissal of his complaint of fraud and breach of fiduciary duty by the defendants. Hinton contends that he complied with two of the district court's orders to file a more definite statement and that the district court's dismissal of his complaint under Rule 41(b) was an abuse of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

discretion. He also challenges the district court's denial of his motion to be joined in a multidistrict action against Enron.

Our review of the record reveals that the district court did not err or abuse its discretion when it dismissed Hinton's complaint following his failure to respond to two orders for him to show cause. See McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988); McNeal v. Papasan, 842 F.2d 787, 792 (5th Cir. 1988). The district court's denial of Hinton's motion to be joined in the multidistrict suit against Enron was also not error.

AFFIRMED.