

DEC 28 2007

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JEROME A. STASH,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MARICOPA COUNTY SHERIFF'S OFFICE; et al.,</p> <p>Defendants - Appellees.</p>
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No. 06-16129

D.C. No. CV-06-00729-FJM/ECV

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Frederick J. Martone, District Judge, Presiding

Submitted December 3, 2007\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Jerome A. Stash, an Arizona state prisoner, appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action alleging that prison officials violated his civil rights. We have jurisdiction under 28 U.S.C. § 1291. We review

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

for an abuse of discretion a dismissal for failure to prosecute. *Ash v. Cvetkov*, 739 F.2d 493, 495 (9th Cir. 1984). We vacate and remand for further proceedings.

The district court abused its discretion by dismissing Stash's action for failure to apprise the court of his current address, where the docket reflects that Stash filed a notice of change of address with the district court prior to the dismissal of this case. Stash filed two additional notices of change of address with the district court after the dismissal. We vacate and remand to give the district court an opportunity to resend the notice of assignment to Stash's current address.

Appellant shall bear his costs on appeal.

**VACATED AND REMANDED.**