

MAR 22 2013

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ALBERT P. WILSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>IRVIN, Medical Technical Assistant; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 08-56409

D.C. No. 3:05-cv-01774-DMS-  
AJB

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Dana M. Sabraw, District Judge, Presiding

Submitted March 12, 2013\*\*

Before: PREGERSON, REINHARDT, and W. FLETCHER, Circuit Judges.

California state prisoner Albert P. Wilson appeals pro se from the district court's judgment dismissing for failure to effectuate service of process his

---

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

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

42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We reverse and remand.

The district court erred in concluding that Wilson’s transfer from Calipatria State Prison deprived it of jurisdiction to issue a contempt citation and impose sanctions on the Calipatria State Prison litigation coordinator for failure to comply with its July 10, 2006 order granting in part and denying in part Wilson’s motion regarding service of process. *See Shillitani v. United States*, 384 U.S. 364, 370 (1966) (“There can be no question that courts have inherent power to enforce compliance with their lawful orders through civil contempt.”).

The district court should strongly consider appointment of counsel on remand.

**REVERSED and REMANDED.**