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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Stanley Fishman,

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No. CV-07-1105-PHX-LOA

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Plaintiff,

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ORDER

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vs.

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Spring Valley Apartments,

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Defendant.

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On the Court's own motion,

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IT IS ORDERED, pursuant to Rule 59(d), FED.R.CIV.P., that portion of the

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Clerk's Judgment (docket # 6), entered herein at the undersigned's request, that dismisses this

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lawsuit with prejudice¹ is hereby **VACATED**.

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IT IS FURTHER ORDERED that this lawsuit is **DISMISSED** without

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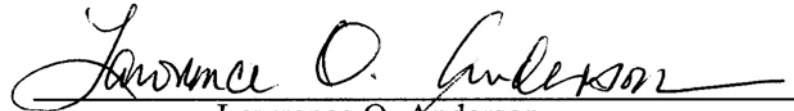
¹ Ordinarily, a case dismissed for lack of subject matter jurisdiction should be dismissed without prejudice so that a plaintiff may reassert his claims in a competent court. *Black v. Payne*, 591 F.2d 83, 86 (9th Cir.), *cert. denied*, 444 U.S. 867, 100 S.Ct. 139, 62 L.Ed.2d 90 (1979); *Frigard v. United States*, 862 F.2d 201, 204 (9th Cir.1988).

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1 prejudice for lack of subject-matter jurisdiction and without leave to refile an amended
2 complaint in this federal court.

3 DATED this 12th day of June, 2007.

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5 _____
6 Lawrence O. Anderson
7 United States Magistrate Judge
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