

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 29 2011

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

HELDA WILSON,

Plaintiff - Appellant,

v.

R. PERKINSON, M.D.; et al.,

Defendants - Appellees.

No. 10-17319

D.C. No. 1:10-cv-01086-DLB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Dennis L. Beck, Magistrate Judge, Presiding

Submitted November 21, 2011\*\*

Before: TASHIMA, BERZON, and TALLMAN, Circuit Judges.

Helda Wilson, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action for failing to pay the filing fee in full or file an application to proceed in forma pauperis. We raise sua sponte jurisdictional issues. *Nasca v. Peoplesoft (In re Marriage of Nasca)*, 160

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

F.3d 578, 579 (9th Cir. 1999). We order a limited remand so that the magistrate judge can determine whether Wilson consented to the exercise of the magistrate judge's authority under 28 U.S.C. § 636(c). If so, the magistrate judge shall issue an order indicating where in the record such consent is demonstrated. If not, the magistrate judge should consider whether to withdraw his order dismissing the case and instead issue a recommendation to the district court. *See id.* at 580.

**REMANDED.**