

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2018

FOR THE NINTH CIRCUIT

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

WILLIAM BURRESS,

Plaintiff-Appellant,

v.

S. SHEISHA, Chief Medical Executive; et  
al.,

Defendants-Appellees.

No. 17-15653

D.C. No. 1:16-cv-00630-SAB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Stanley Albert Boone, Magistrate Judge, Presiding

Submitted February 13, 2018\*\*

Before: LEAVY, FERNANDEZ, and MURGUIA, Circuit Judges.

William Burress, a California state prisoner, appeals pro se from the magistrate judge's order dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to a serious medical need. We have jurisdiction under 28 U.S.C.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

§ 1291. We review de novo whether the magistrate judge validly entered judgment on behalf of the district court. *Allen v. Meyer*, 755 F.3d 866, 867-68 (9th Cir. 2014). We vacate and remand.

Burress consented to proceed before the magistrate judge. *See* 28 U.S.C. § 636 (c). The magistrate judge then screened and dismissed Burress's action before the named defendants had been served. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A. Because all parties, including unserved defendants, must consent to proceed before the magistrate judge for jurisdiction to vest, *Williams v. King*, 875 F.3d 500, 503-04 (9th Cir. 2017), we vacate the magistrate judge's order and remand for further proceedings.

**VACATED and REMANDED.**