

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 23 2018

FOR THE NINTH CIRCUIT

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

JOSH THOMAS,

Plaintiff-Appellant,

v.

BRIAN ROBERTS; et al.,

Defendants-Appellees.

No. 17-16363

D.C. No. 2:16-cv-00724-CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Carolyn K. Delaney, Magistrate Judge, Presiding

Submitted February 13, 2018**

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

Josh Thomas, a California state prisoner, appeals pro se from the magistrate judge's order dismissing his 42 U.S.C. § 1983 action alleging federal and state law claims in connection with his parole proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether the magistrate judge validly entered

* 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).

judgment on behalf of the district court. *Allen v. Meyer*, 755 F.3d 866, 867-68 (9th Cir. 2014). We vacate and remand.

Thomas consented to proceed before the magistrate judge. *See* 28 U.S.C. § 636(c). The magistrate judge then screened and dismissed Thomas's action before the named defendants had been served. *See* 28 U.S.C. § 1915A(b)(1); Fed. R. Civ. P. 41(b). 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.