

NOT FOR PUBLICATION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

RAYMOND ARTHUR GENTILE,

No. 17-17018

Plaintiff-Appellant,

D.C. No. 1:15-cv-00943-EPG

v.

MEMORANDUM\*

U.S. FEDERAL MARSHAL,

Defendant-Appellee.

Appeal from the United States District Court  
for the Eastern District of California  
Erica P. Grosjean, Magistrate Judge, Presiding

Submitted February 13, 2018\*\*

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

Raymond Arthur Gentile appeals pro se from the magistrate judge's order dismissing his action brought under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), alleging deliberate indifference. We have jurisdiction under 28 U.S.C. § 1291. We review de novo

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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).

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.

Gentile consented to proceed before the magistrate judge. *See* 28 U.S.C. § 636(c). The magistrate judge then screened and dismissed Gentile's action before the named defendants had been served. *See* 28 U.S.C. § 1915(e)(2)(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.**