

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2018

FOR THE NINTH CIRCUIT

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

SALADIN RUSHDAN, AKA Robert
Woods, AKA Robert Stanley Woods,

Plaintiff-Appellant,

v.

R. GEAR; et al.,

Defendants-Appellees.

No. 17-17035

D.C. No. 1:16-cv-01017-BAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Barbara McAuliffe, Magistrate Judge, Presiding

Submitted April 11, 2018**

Before: SILVERMAN, PAEZ, and OWENS, Circuit Judges.

Saladin Rushdan, AKA Robert Woods, AKA Robert Stanley Woods, a
California state prisoner, appeals pro se from the district court's judgment
dismissing his 42 U.S.C. § 1983 action alleging various constitutional violations.

We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether the

* 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).

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.

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

Rushdan's request for appointment of counsel, set forth in his opening brief, is denied.

VACATED and REMANDED.