

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2018

FOR THE NINTH CIRCUIT

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

NIKI-ALEXANDER SHETTY, FKA Satish
Shetty,

Plaintiff-Appellant,

v.

AMERICA'S WHOLESALE LENDER; et
al.,

Defendants-Appellees.

No. 17-16771

D.C. No. 5:16-cv-05846-NC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Nathanael M. Cousins, Magistrate Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

Niki-Alexander Shetty, FKA Satish Shetty, appeals pro se from the magistrate judge's order dismissing his action alleging federal and state law claims relating to a mortgage loan on real property transferred to him by the borrowers.

* 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).

We review de novo whether the magistrate judge validly entered judgment on behalf of the district court. *Williams v. King*, 875 F.3d 500, 501 (9th Cir. 2017).

We vacate and remand.

Shetty and defendants The Bank of New York Mellon, Bayview Loan Servicing, LLC, and Klinedinst PC consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c). The magistrate judge, however, dismissed claims against another named defendant in the action, America's Wholesale Lender, before that defendant had been served. Because all parties, including unserved defendants, must consent to proceed before the magistrate judge for jurisdiction to vest, *Williams*, 875 F.3d at 503-04, we vacate the magistrate judge's order and remand for further proceedings.

The parties shall bear their own costs on appeal.

VACATED and REMANDED.