

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 22 2019

FOR THE NINTH CIRCUIT

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

DEAN C. RODRIGUEZ,

No. 17-15779

Plaintiff-Appellant,

D.C. No. 2:14-cv-01049-MCE-KJN

v.

MEMORANDUM*

SHELLY MATIS; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted April 17, 2019**

Before: McKEOWN, BYBEE, and OWENS, Circuit Judges.

Dean C. Rodriguez appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal claims related to his imprisonment at High Desert State Prison. We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether the magistrate judge had jurisdiction. *Allen*

* 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). Rodriguez's requests for oral argument, set forth in his briefs, is denied.

v. Meyer, 755 F.3d 866, 867-68 (9th Cir. 2014). We vacate and remand.

Rodriguez consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c). The magistrate judge then dismissed certain claims before the named defendants had been served. *See* 28 U.S.C. § 1915A. Because all parties, including unserved defendants, must consent to proceed before the magistrate judge for jurisdiction to vest, *see Williams v. King*, 875 F.3d 500, 503-04 (9th Cir. 2017), we vacate the judgment and remand for further proceedings.

In light of our disposition, we do not consider Rodriguez's remaining contentions.

All pending motions and requests are denied.

The parties shall bear their own costs on appeal.

VACATED and REMANDED.