

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2020

FOR THE NINTH CIRCUIT

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

ANDREW GUY MORET,

No. 19-36109

Plaintiff-Appellant,

D.C. No. 6:18-cv-01105-MK

v.

MEMORANDUM*

POORNIMA RANGANATHAN; ANDREA
DAILEY,

Defendants-Appellees,

and

OREGON STATE HOSPITAL,

Defendant.

Appeal from the United States District Court
for the District of Oregon
Michael J. McShane, District Judge, Presiding

Submitted October 26, 2020**

Before: McKEOWN, RAWLINSON, and FRIEDLAND, Circuit Judges.

Andrew Guy Moret appeals pro se from the district court's summary

* 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 in his 42 U.S.C. § 1983 action alleging violations of due process due to the involuntary administration of medication during his pretrial detention. We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether the magistrate judge had jurisdiction. *Allen v. Meyer*, 755 F.3d 866, 867-68 (9th Cir. 2014). We vacate and remand.

None of the parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c). The magistrate judge dismissed Moret's state law claims, as well all claims against defendant Oregon State Hospital. *See* 28 U.S.C. § 636(c)(1). 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, 503-4 (9th Cir. 2017), we vacate the magistrate judge's July 18, 2018 order and remand for further proceedings as to the dismissed claims and defendant.

In light of our disposition, we do not consider Moret's contentions regarding summary judgment.

Moret's request to submit additional documentation (Docket Entry No. 11) is denied.

The parties will bear their own costs on appeal.

VACATED and REMANDED.