

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 25 2018

FOR THE NINTH CIRCUIT

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

MICHAEL B. WILLIAMS,

Plaintiff-Appellant,

v.

SANJEEV BATRA, Doctor at Coalinga
State Hospital,

Defendant-Appellee.

No. 17-15530

D.C. No. 1:16-cv-01940-MJS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Michael J. Seng, Magistrate Judge, Presiding

Submitted January 16, 2017**

Before: REINHARDT, TROTT, and HURWITZ, Circuit Judges.

Michael B. Williams, a civil detainee under California's Sexually Violent Predators Act, appeals pro se from the magistrate judge's order dismissing his 42 U.S.C. § 1983 action alleging constitutional violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether the magistrate judge validly

* 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).

entered judgment on behalf of the district court. *Allen v. Meyer*, 755 F.3d 866, 867-68 (9th Cir. 2014). We vacate and remand.

Williams consented to proceed before the magistrate judge. *See* 28 U.S.C. § 636(c). The magistrate judge then screened and dismissed Williams's action before the named defendant had been served. *See* 28 U.S.C. § 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. To the extent that Williams requests appointment of counsel on remand (Docket Entry No. 4), the request is denied without prejudice to Williams requesting appointment of counsel by the district court.

Williams's request that his pending appeals, Case Nos. 17-15530, 17-15834, and 17-16790, be assigned to the same merits panel (Docket Entry No. 4) is granted.

VACATED and REMANDED.