

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 19 2018

FOR THE NINTH CIRCUIT

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

BRICE ANTHONY PEELER,

Plaintiff-Appellant,

v.

KEVIN REALI, Detective; COUNTY OF
SACRAMENTO,

Defendants-Appellees.

No. 16-16965

D.C. No. 2:16-cv-00582-CKD

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Carolyn K. Delaney, Magistrate Judge, Presiding

Submitted January 16, 2018**

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

California state prisoner Brice Anthony Peeler appeals pro se from the magistrate judge's order dismissing his 42 U.S.C. § 1983 action alleging false arrest and malicious prosecution claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo whether the magistrate judge validly entered judgment

* 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).

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

Peeler consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c). The magistrate judge then screened and dismissed Peeler's action 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, *Williams v. King*, 875 F.3d 500, 503-04 (9th Cir. 2017), we vacate the magistrate judge's order and remand for further proceedings.

VACATED and REMANDED.