

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 17 2021

FOR THE NINTH CIRCUIT

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

MATTHEW JAMES DURY,

No. 20-15673

Plaintiff-Appellant,

D.C. No. 1:13-cv-00595-AWI-
BAM

v.

J. CIUFO, Unit Manager,

MEMORANDUM*

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of California
Barbara McAuliffe, Magistrate Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

Federal prisoner Matthew James Dury appeals pro se from the magistrate judge's order denying his post-judgment motion to collect filing fees or forfeit future collections. 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,

* 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).

867-68 (9th Cir. 2014). We vacate and remand.

The magistrate judge denied Dury's post-judgment motion related to the partial payment of filing fees. However, 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); *Columbia Record Prod. v. Hot Wax Records, Inc.*, 966 F.2d 515, 516-17 (9th Cir. 1992) (holding that absent consent, a federal magistrate judge lacked authority to render a post-judgment decision that has a dispositive effect on the parties). Because none of the parties consented to proceed before a magistrate judge, *see* 28 U.S.C. § 636(c)(1), we vacate the magistrate judge's March 3, 2020 order and remand for further proceedings. On remand, the district judge may treat the magistrate judge's order as a report and recommendation.

All pending motions are denied as moot.

VACATED and REMANDED.