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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE GALICIA,  
Plaintiff,  
v.  
T. MARSH, et al.,  
Defendants.

No. 1:16-cv-00011-DAD-SAB

ORDER

Plaintiff Jose Galicia is appearing pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff consented to magistrate judge jurisdiction on January 25, 2016. (Doc. No. 6.) Defendants declined magistrate judge jurisdiction on August 30, 2016. (Doc. No. 20.)

On May 25, 2016, the magistrate judge screened plaintiff’s first amended complaint and found that it stated a cognizable claim against defendants Guzman, Marsh, Weatherford, and Jennings for violating plaintiff’s right to due process. (Doc. No. 12.) The magistrate judge dismissed all other claims and defendants for failure to state a cognizable claim. (*Id.*) The magistrate judge indicated that jurisdiction existed under 28 U.S.C. § 636(c) to do so by order based on the fact that plaintiff had consented to magistrate judge jurisdiction and no other parties had yet appeared. (*Id.*)

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1           However, on November 9, 2017, the Ninth Circuit Court of Appeals held that 28 U.S.C.  
2 § 636(c)(1) requires the consent of all named plaintiffs and defendants, even those not served  
3 with process, before jurisdiction may vest in a magistrate judge to dispose of a civil case.  
4 *Williams v. King*, 875 F.3d 500, 504 (9th Cir. 2017). Accordingly, the magistrate judge did not  
5 have jurisdiction to dismiss the above-described claims by way of the May 25, 2016 order.  
6 Therefore, on November 30, 2017, the magistrate judge issued findings and recommendations  
7 recommending that this action proceed against defendants Guzman, Marsh, Weatherford, and  
8 Jennings on plaintiff's due process claim and that all other claims and defendants be dismissed for  
9 failure to state a cognizable claim for relief. (Doc. No. 66.) The findings and recommendations  
10 were served on the parties and contained notice that objections were to be filed within fourteen  
11 days. No objections were filed and the time period in which to do so has expired.

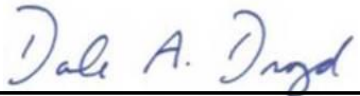
12           In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the  
13 undersigned has conducted a de novo review of the case. The undersigned concludes the findings  
14 and recommendations issued November 30, 2017 are supported by the record and by proper  
15 analysis.

16           Accordingly,

- 17           1. The November 30, 2017 findings and recommendations (Doc. No. 71) are adopted in full;
- 18           2. This action proceeds against defendants A. Guzman, T. Marsh, K. Weatherford, and M.  
19           Jennings on plaintiff's procedural due process claim; and
- 20           3. All other claims and defendants are dismissed from the action for failure to state a  
21           cognizable claim for relief.

22 IT IS SO ORDERED.

23           Dated: January 7, 2018

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26           UNITED STATES DISTRICT JUDGE

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