

1 authorization of proceedings against Defendant Martinez instead must be presented to
2 the District Judge via findings and recommendations.

3 This proposition is legally correct, but it does not reflect what occurred in this
4 case. Despite Defendant's contention that the undersigned "unilaterally dismiss[ed]
5 certain claims and defendants," the undersigned did not dispose of any claims. Instead,
6 the undersigned issued a recommendation to dismiss the claims and submitted that
7 recommendation to the district judge. The findings and recommendations were not
8 dispositive of any claim and therefore not contrary to Williams. Nothing in Williams
9 affects a Magistrate Judge's authority to issue non-dispositive orders. Accordingly, the
10 order requiring service of the complaint on Defendant was not contrary to Williams.¹

11 In any event, the findings and recommendations have since been adopted by the
12 district judge. Accordingly, Defendant's motion is moot and on that basis it is HEREBY
13 DENIED.

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15 IT IS SO ORDERED.

16 Dated: January 19, 2018

17 1st Michael J. Seng
18 UNITED STATES MAGISTRATE JUDGE
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28 ¹ Had Defendant simply wished to delay responding to the complaint until the status of the pleadings was resolved, the proper course would have been to request an extension of time.