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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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JOSHUA BLOCKER,

Plaintiff,

v.

JAMES SADIGHI and PATRICK PRICE,

Defendants.

No. 2:18-cv-253 WBS DB (PC)

ORDER

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Before the court is defendant Patrick Price's Request for a District Judge's Review and Ratification of the Screening Orders. (Docket No. 42.) Defendant Price requests that the court "ratify" or adopt the magistrate judge's screening order (Docket No. 7), which dismissed plaintiff's Equal Protection claim with leave to amend.¹ However, after the magistrate judge issued her order, plaintiff notified the court that he wished to proceed

¹ Defendant refers in his request to "screening orders," though it is not clear what orders the request may refer to aside from the magistrate judge's November 27, 2018 order.

1 immediately on his claims against the defendants without amending
2 the complaint, and that he understood "that by going forward
3 without amending the complaint, he is voluntarily dismissing his
4 Equal Protection claim against [the defendants] with prejudice."
5 (Docket No. 10.) Because plaintiff voluntarily dismissed his
6 Equal Protection claim, the court need not ratify or adopt the
7 screening order.² Accordingly, defendant's request (Docket No.
8 42) is DENIED AS MOOT.

9 IT IS SO ORDERED.

10 Dated: November 25, 2019

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12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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21 ² Defendant's request appears to be based upon the Ninth
22 Circuit's holding that magistrate judges do not have jurisdiction
23 to enter case-dispositive orders without the consent of all
24 parties. See Williams v. King, 875 F.3d 500, 503-04 (9th Cir.
25 2017); Branch v. Umphenour, 936 F.3d 994, 1005 (9th Cir. 2019).
26 However, in response to Williams, magistrate judges in this
27 district now attach forms asking plaintiffs whether they seek to
28 amend the complaint to correct defects in any screened claims or
whether they wish in the alternative to voluntarily dismiss the
screened claims. In accordance with that procedure, the
magistrate judge did not issue a dispositive order on the
sufficiency of plaintiff's complaint - the decision on whether to
proceed was left to the plaintiff.