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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES DARREN CRAWFORD,
Plaintiff,
v.
JEFFREY BEARD, et al.,
Defendants.

Case No. [14-cv-05578-JD](#)

ORDER REOPENING CASE

On December 22, 2014, plaintiff, a state prisoner, filed a pro se civil rights complaint under 42 U.S.C. § 1983, and consented to the jurisdiction of a magistrate judge. Docket No. 1. The case was assigned to a magistrate judge who on May 17, 2016, ordered service on several defendants but also dismissed several defendants who had not yet appeared in the case and consented to a magistrate judge. Docket No. 15. The served defendants consented to a magistrate judge (Docket No. 28) and the case was closed when defendants' motion to dismiss and motion for summary judgment was granted on September 29, 2017 (Docket No. 69).

On November 9, 2017, the Ninth Circuit held in *Williams v. King*, 875 F.3d 500, 503-04 (9th Cir. 2017) that all parties including unserved defendants must consent to proceed before a magistrate judge for jurisdiction to vest. *Id.* Plaintiff later appealed the dismissal and closing of his case. The Ninth Circuit vacated and remanded the case, finding that the magistrate judge dismissed claims against defendants Bell, Gongora, Hall, Love and Williams before those defendants had been served. Docket No. 94. The Ninth Circuit vacated only the magistrate judge's May 17, 2016, order of service that dismissed the defendants who had not consented. Docket No. 94 at 2. The Ninth Circuit did not disturb the rulings on the motion to dismiss or motion for summary judgment. *Id.* The case was then reassigned to the undersigned.

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This case is **REOPENED**. The Court will treat the magistrate judge’s May 17, 2016, order dismissing defendants Bell, Gongora, Hall, Love and Williams as a Report and Recommendation. Plaintiff or any party may serve and file specific written objections to the Report and Recommendation within **fourteen (14) days** after being served with a copy of this Order. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); Civil Local Rule 72. Failure to file objections within the specified time may waive the right to review the issue. The objections should only address the dismissal of defendants Bell, Gongora, Hall, Love and Williams as noted by the Ninth Circuit. The Clerk shall **SEND** plaintiff a copy of the May 17, 2016, Order (Docket No. 36).

IT IS SO ORDERED.

Dated: September 15, 2020



JAMES DONATO
United States District Judge