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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**ROBERT ROY MARTINEZ, and
individual;**

Plaintiff,

v.

**BANK OF AMERICA CORPORATION,
a corporation; BANK of AMERICA, NA.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING; et al.,**

Defendants.

1:11-CV-2061 AWI GSA

**ORDER REFERRING
PENDING MOTION TO
DISMISS TO MAGISTRATE
JUDGE GARY AUSTIN**

Plaintiff Robert Roy Martinez is proceeding pro se in this civil rights action. On February 16, 2012, the Magistrate Judge granted Plaintiff’s application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). The court advised Plaintiff that the court is required to screen complaints of pro se litigants proceeding in forma pauperis pursuant to 28 U.S.C. § 1915A(a).

The reason for screening is that the court must dismiss a complaint or portion thereof if the litigant has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant(s) who is

1 immune from such relief. 28 U.S.C. § 1915A(b)(1)&(2).

2 Prior to the court screening Plaintiff's complaint, as required by 28 U.S.C. § 1915A,
3 Defendants filed a motion to dismiss. The court finds that the pending motion should be
4 referred to Magistrate Judge for screening pursuant to 28 U.S.C. § 1915A and for resolution
5 pursuant to 28 U.S.C. § 636.

6 Accordingly, it is HEREBY ORDERED that the pending motion to dismiss is
7 REFERRED to Magistrate Judge Gary S. Austin.

8 IT IS SO ORDERED.

9 Dated: March 7, 2012

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12 CHIEF UNITED STATES DISTRICT JUDGE
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