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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ROBERT ROY MARTINEZ,  
Plaintiff,  
v.  
BANK OF AMERICA CORPORATION, et  
al.,  
Defendants.

) 1:11-cv-2061 AWI GSA  
)  
) **ORDER GRANTING PLAINTIFF'S**  
) **REQUEST TO CONSIDER OPPOSITION**  
) **TO DEFENDANT'S MOTION TO**  
) **DISMISS**  
)  
) (Document 17)  
)  
)  
)

On December 14, 2011, Plaintiff filed a complaint against Bank of America ("BAC") Corporation, BAC Home Loans Servicing, Countrywide Financial Corporation, America's Wholesale Lender, Quality Loan Service Corporation, the Mortgage Electronic Registration System ("MERS"), and the Federal Home Loan Mortgage Corporation alleging unlawful mortgage practices and the unlawful foreclosure of his home. (Doc. 1). Plaintiff was granted in forma pauperis status and was advised that his complaint would be screened by the Court in due course. Subsequently, Plaintiff filed a First Amended Complaint on December 15, 2011, naming the same Defendants and alleging similar causes of action. (Doc. 3).

On February 16, 2012, Defendants, Bank of America, MERS, and Federal Home Loan Mortgage Corporation ("Defendnats") filed a Motion to Dismiss. (Doc. 10). The matter was set

1 for a hearing on April 6, 2012. Plaintiff did not file an opposition to the Motion to Dismiss. The  
2 Court took the matter under submission on March 30, 2012 and vacated the hearing.

3 On April 4, 2012, Plaintiff filed an opposition, as well as the instant motion requesting  
4 that the Court permit his untimely filing. (Doc. 17). In the motion, Plaintiff indicates that he was  
5 not able to file the opposition timely due to health concerns. In support of the request, he  
6 attached a letter from the Social Security Administration indicating that he has a continuing  
7 disability.

8 Given that Plaintiff is proceeding pro per, the Court will permit the late filing. Plaintiff is  
9 advised that he must follow the Local Rules of this Court. Accordingly, late filings in the future  
10 will be looked upon with disfavor.

11 Defendants shall file any Reply to Plaintiff's opposition no later than **April 27, 2012**.  
12 After April 27, 2012, the matter will be taken under submission and will not be scheduled for a  
13 hearing unless the Court determines it is necessary.

14 IT IS SO ORDERED.

15 **Dated: April 16, 2012**

/s/ Gary S. Austin  
16 UNITED STATES MAGISTRATE JUDGE  
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