

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLENE OLIVER,
Plaintiff,

v.

CIVIL ACTION NO.
12-12186-PBS

BANK OF AMERICA, N.A.,
Defendant.

REPORT AND RECOMMENDATION RE:
DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
(DOCKET ENTRY # 8)

MEMORANDUM AND ORDER RE:
PLAINTIFF'S MOTION TO AMEND THE COMPLAINT
(DOCKET ENTRY # 11)

June 17, 2013

BOWLER, U. S. M J.

Pending before this court is a motion to dismiss for failure to state a claim (Docket Entry # 8) filed by defendant Bank of America, N.A. ("defendant") under Rule 12(b)(6), Fed. R. Civ. P. ("Rule 12(b)(6)"). Also pending before this court is a motion for leave to amend the complaint (Docket Entry # 11) filed by plaintiff Charlene Oliver ("plaintiff") under Rule 15(a)(2), Fed. R. Civ. P. ("Rule 15(a)(2)").¹

PROCEDURAL BACKGROUND

¹ A magistrate judge has "the authority to decide the motion to amend outright" under 28 U.S.C. § 636(b)(1)(A). Maurice v. State Farm Mutual Automobile Insurance Co., 235 F.3d 7, 9 n.2 (1st Cir. 2000) (referring to motion for leave to file amended complaint to add new count).

7/12/13 I accept the report and recommendation and dismiss the motion. No objection was filed. Pam S. Jarvis