

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alisa Razumovsky v. Nelnet Servicing LLC

Razumovsky v. Nelnet Servicing LLC · No. 2:25-cv-02257-DAD-CSK · Decided December 9, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Nelnet Servicing LLC's motion to dismiss as premature. Because Plaintiff's First Amended Complaint had not yet been screened under 28 U.S.C. § 1915(e)(2), the court denied the motion without prejudice and vacated the scheduled hearing.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 9, 2025
DOCKET	2:25-cv-02257-DAD-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss Plaintiff's First Amended Complaint while the court's mandatory screening of that complaint under 28 U.S.C. § 1915(e)(2) remained pending.
PRECEDENTIAL VALUE	Unknown

TOPICS

[motions to dismiss](#)

[pleadings](#)

[civil procedure](#)

PRACTICE AREAS

[civil procedure](#)

[consumer credit and reporting](#)

QUESTIONS PRESENTED

1. Whether a defendant's motion to dismiss should be considered when a pro se plaintiff proceeding in forma pauperis has filed an amended complaint that has not yet undergone mandatory statutory screening.

HOLDINGS

- 1. A motion to dismiss filed before the court completes mandatory screening of the operative complaint in an in forma pauperis action is premature and may be denied without prejudice.

KEY QUOTATIONS

“Accordingly, Defendant’s motion to dismiss (ECF No. 10) is *DENIED* without prejudice as premature.” (at 1)

FACTUAL BACKGROUND

Plaintiff Alisa Razumovsky was proceeding pro se and had been granted leave to proceed in forma pauperis. She filed a First Amended Complaint on November 18, 2025, and Defendant Nelnet Servicing LLC filed a motion to dismiss on November 26, 2025. The court had not yet screened the operative complaint to determine whether it stated any cognizable claims.

PROCEDURAL HISTORY

Plaintiff proceeded pro se and was granted in forma pauperis status. She filed a First Amended Complaint, which became the operative complaint, and Defendant then filed a motion to dismiss. Because the complaint had not yet been screened, the court denied the motion without prejudice as premature and vacated the scheduled hearing.

DISPOSITION

other

CASES CITED

- Gibbons v. Arpaio, 2007 WL 2990151, *2 (D. Az. Oct. 11, 2007)

OPINION

Alisa Razumovsky v. Nelnet Servicing LLC

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 ALISA RAZUMOVSKY, Case No. 2:25-cv-02257-DAD-CSK 12 Plaintiff,

13 v. ORDER DENYING DEFENDANT’S

MOTION TO DISMISS AS PREMATURE

14 NELNET SERVICING LLC,

15 Defendant. (ECF No. 10) 16 17 Plaintiff Alisa Razumovsky, who is proceeding pro se, has moved to proceed in 18 forma pauperis (“IFP”) in this action. (ECF No. 2.) After determining whether IFP is 19 appropriate and granting IFP, the Court must screen the complaint and dismiss

any 20 claims that are frivolous or malicious, fail to state a claim on which relief may be granted,
21 or seek monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2). On
22 November 18, 2025, Plaintiff filed a First Amended Complaint. (ECF No. 9.) Therefore,
23 the First Amended Complaint is the operative complaint. On November 26, 2025, 24 Defendant
Nelnet Servicing, LLC filed a motion to dismiss. (ECF No. 10.) However, the 25 First Amended
Complaint has not yet been screened, thus, the Court has not yet 26 determined whether the First
Amended Complaint states any cognizable claim(s). See 27 Docket. Therefore, Defendant Nelnet
Servicing's motion to dismiss is denied as 28 premature. See *Gibbons v. Arpaio*, 2007 WL
2990151, *2 (D. Az. Oct. 11, 2007) 1 | (dismissing as premature a motion to dismiss that was filed
before screening order 2 || issued). As previously stated in its November 6, 2025 Order, the Court
will screen the 3 || operative complaint in due course, and if any cognizable claims remain after
screening, 4 | Defendant will have the opportunity to respond to the operative complaint. If leave
to 5 || amend the complaint is provided, Defendant will have the opportunity to respond to an 6 |
amended complaint after the amended complaint is filed and after service of the 7 || amended
complaint has been granted and service has been effected. Accordingly, 8 || Defendant's motion to
dismiss (ECF No. 10) is DENIED without prejudice as premature. 9 | The January 20, 2026
hearing on Defendant's motion is hereby VACATED. 10 IT IS SO ORDERED. 11 10 Dated:
December 9, 2025 (i s \C
13 GHI 500 KIM
UNITED STATES MAGISTRATE JUDGE
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