

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.

OPINION

1 2 3 4 5 6 7 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 14 | 4, razu2257.25 15 16 17 18 19 20 21 22 23 24 25 26 27 28