

**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

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

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UNITED STATES MAGISTRATE JUDGE

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