

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andrejev v. Trotsiouk

Andrejev · No. 2:25-cv-1394-DC-CSK · Decided August 20, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Defendants Marcella Trotsiouk and Igor Trotsiouk’s motion to dismiss as premature. Because the pro se plaintiff’s complaint had not yet undergone mandatory screening under 28 U.S.C. § 1915(e)(2), the motion was denied without prejudice, leaving Defendants an opportunity to respond after screening.

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	August 20, 2025
DOCKET	2:25-cv-1394-DC-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss a pro se complaint before the court had completed mandatory screening under 28 U.S.C. § 1915(e)(2).
PRECEDENTIAL VALUE	unknown

TOPICS

- motions to dismiss
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether defendants' motion to dismiss should be considered before the court completed mandatory screening of the in forma pauperis complaint.

HOLDINGS

1. A motion to dismiss filed before the court completes screening under 28 U.S.C. § 1915(e)(2) is premature and should be denied without prejudice.

KEY QUOTATIONS

“Therefore, Defendants Marcella Trotsiouk and Igor Trotsiouk’s motion to dismiss (ECF No. 4) is denied as premature.” (at 1)

“Accordingly, Defendants’ motion to dismiss (ECF No. 4) is denied without prejudice.” (at 2)

FACTUAL BACKGROUND

Galina V. Andreyev proceeded pro se and filed a complaint after moving to proceed in forma pauperis. The complaint had not yet been screened under 28 U.S.C. § 1915(e)(2) when Marcella Trotsiouk and Igor Trotsiouk moved to dismiss.

PROCEDURAL HISTORY

Plaintiff filed the complaint on May 16, 2025, and moved to proceed in forma pauperis. After granting IFP status, the court was required to screen the complaint, but screening had not yet occurred when defendants filed their motion to dismiss. The court denied the motion as premature and without prejudice.

DISPOSITION

other

CASES CITED

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

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