

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andreyev v. Trotsiouk

Andreyev · 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.

OPINION

(PS) Andreyev v. Trotsiouk
PER CURIAM.

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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 GALINA V. ANDREYEV, Case No. 2:25-cv-1394-DC-CSK 12 Plaintiff,
13 v. ORDER DENYING DEFENDANT’S
MOTION TO DISMISS AS PREMATURE

14 MARCELLA TROTSIOUK, et al., 15 Defendants. (ECF No. 4) 16 17 Plaintiff Galina V. Andreyev, 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). Plaintiff's 22 Complaint, which was filed on May 16, 2025, has not yet been screened; thus, the Court 23 has not yet determined whether the Complaint states any cognizable claim(s). Therefore, 24 Defendants Marcella Trotsiouk and Igor Trotsiouk’s motion to dismiss (ECF No. 4) is 25 denied as premature. See *Gibbons v. Arpaio*, 2007 WL 2990151, *2 (D. Az. Oct. 11, 26 2007) (dismissing as premature a motion to dismiss that was filed before screening order 27 issued). The Court will screen the Complaint in due course, and if any cognizable claims 28 remain after screening, Defendant will have the opportunity to respond to the Complaint 1 | or if leave to amend is provided, respond to an Amended Complaint. Accordingly, 2 || Defendants’ motion to dismiss (ECF No. 4) is denied without prejudice. 3 IT |S SO ORDERED. 4 5 Dated: August 19, 2025 CC; s \C
6 GHI 500 KIM

UNITED STATES MAGISTRATE JUDGE

7 || 4, andr1394.25 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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