

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Elijah Tyrell Taylor v. Experian Information Solutions, Inc.

No. 1:25cv70 · No. No. 1:25cv70 · Decided January 7, 2026

SUMMARY

The court granted Experian Information Solutions, Inc.'s Rule 12(b)(6) motion to dismiss Elijah Tyrell Taylor's amended complaint alleging violations of the Fair Credit Reporting Act and 18 U.S.C. § 1028. The court dismissed the § 1028 claim with prejudice and dismissed the FCRA claims without prejudice because the amended complaint was unclear, internally inconsistent, and failed to identify actionable inaccuracies or other facts supporting liability. Taylor was granted thirty days to file a second amended complaint addressing the identified deficiencies.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Julia K. Munley
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	January 7, 2026
DOCKET	No. 1:25cv70
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se amended complaint alleging violations of the Fair Credit Reporting Act and 18 U.S.C. § 1028. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a claim that is plausible on its face. The pleading must also provide fair notice of the claims and the grounds on which they rest.
PRECEDENTIAL VALUE	unpublished
PARTIES	Elijah Tyrell Taylor v. Experian Information Solutions, Inc.

TOPICS

- credit reporting
- motions to dismiss
- pleadings
- consumer protection
- civil procedure

PRACTICE AREAS

Fair Credit Reporting Act

consumer protection

federal civil procedure

pleading practice

QUESTIONS PRESENTED

1. Whether Taylor's amended complaint stated a plausible claim under the Fair Credit Reporting Act.
2. Whether 18 U.S.C. § 1028 provides a private right of action.
3. Whether Taylor should be granted leave to amend his FCRA claims.

HOLDINGS

1. The amended complaint failed to state a claim under the Fair Credit Reporting Act because it did not identify a coherent theory of liability or adequately allege specific inaccuracies in Taylor's consumer reports.
2. Section 1028 does not provide a private right of action to a litigant such as Taylor.
3. Taylor was granted thirty days to file a second amended complaint limited to his FCRA claims and addressing the pleading deficiencies identified by the court.

KEY QUOTATIONS

"To survive a motion to dismiss, the complaint must also contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"

"Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice."

FACTUAL BACKGROUND

Taylor alleged that Discover Financial Services denied him a secured credit card and that he later obtained an unsecured credit card from Credit One Bank. He appeared to allege that Discover or Experian sold his consumer report to Credit One and that Experian inaccurately reported nine Discover-related entries on his credit report. The complaint and attached exhibits appeared internally inconsistent because the exhibits showed hard inquiries from Discover, which the court found could be consistent with Taylor's applications for credit cards from Discover and Credit One.

PROCEDURAL HISTORY

Taylor filed an amended complaint against Experian. Experian moved to dismiss with prejudice. The court granted the motion, dismissed the FCRA claims without prejudice and the § 1028 claim with prejudice, and granted Taylor thirty days to file a second amended complaint addressing only the FCRA deficiencies.

DISPOSITION

dismissed

CASES CITED

- Binsack v. Lackawanna Cnty. Prison, 438 F. App'x 158, 160 (3d Cir. 2011)
- Glover v. F.D.I.C., 698 F.3d 139, 147 (3d Cir. 2012)
- Garrett v. Wexford Health, 938 F.3d 69, 92 (3d Cir. 2019)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Obianyo v. Tennessee, 518 F. App'x 71, 72 (3d Cir. 2013)
- Gonzaga Univ. v. Doe, 536 U.S. 273, 283-84 (2002)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA ELIJAH TYRELL TAYLOR,: No. 1:25cv70 (Judge Munley) Plaintiff: v. EXPERIAN INFORMATION: SOLUTIONS, INC.,: Defendant: MEMORANDUM ORDER Plaintiff Elijah Tyrell Taylor filed a pro se amended complaint against Defendant Experian Information Solutions, Inc. (“Experian”) for violations of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681, et seq. and the federal identity theft statute, 18 U.S.C. § 1028.

Experian responded with a Rule 12(b)(6) motion to dismiss. Experian seeks dismissal with prejudice. In short, Taylor’s pro se filings are difficult to understand. Even when the amended complaint is liberally construed, the court cannot determine Taylor’s theory of liability against the defendant. Additionally, it appears that some of the plaintiff’s allegations are internally inconsistent.

The Federal Rules of Civil Procedure require a pleading to contain “a short and plain statement of the grounds for the court’s jurisdiction” and “a short and plain statement of the claim showing that the pleader is entitled to relief.” Binsack v. Lackawanna Cnty. Prison, 438 F. App'x 158, 160 (3d Cir. 2011) (quoting FED. R. Civ. P. 8(a)(1), (2)); see also Glover v. F.D.I.C., 698 F.3d 139, 147 (3d Cir.

2012). A complaint should provide fair notice of what each claim is and the grounds upon which they rest. Garrett v. Wexford Health, 938 F.3d 69, 92 (3d Cir. 2019). To survive a motion to dismiss, the complaint must also contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl.

Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A claim has facial plausibility when factual content is pled which allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. Id. (citing Twombly, 550 U.S. at 570). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” Id. (citing Twombly, 550 U.S. at 555).

Taylor's amended complaint appears to allege that he was denied a secured credit card by Discover Financial Services, Inc. ("Discover"). (Doc. 4, Am. Compl. at ECF p. 6). Thereafter, Taylor applied for and received an unsecured credit card from Credit One Bank, N.A. ("Credit One"). Id. at 7. □□□□□ further alleges that either Discover or Experian sold his consumer report to Credit One when he could not obtain a credit card from Discover.

Id. At the same time, Taylor appears to assert that Experian reported nine (9) entries related to Discover on his credit report, but that this was inaccurate reporting. Id. at 10. An exhibit attached to the complaint indicates that there were hard inquiries on Taylor's credit report from Discover. (Doc. 4-1, Exhs. to Am. Compl. at ECF pp. 34-38. But based on allegations that Taylor applied for a Discover credit card and a Credit One credit card, one would presume that there would be hard inquiries on a credit report from those financial institutions.

Plaintiffs amended complaint does not reconcile these apparent contradictions or allege any other inaccuracies in his consumer reports.' Since Taylor's complaint fails to state a claim under the FCRA, Experian's motion to dismiss will be granted.

The amended complaint will be dismissed. Nonetheless, a plausible FCRA claim against Experian may be lurking in the shadow of the extra words and exhibits supplied by the plaintiff. See Plaintiff will be provided with thirty (30) days to file a second amended complaint regarding his FCRA claims only.? ' Taylor's amended complaint requests \$2,724,941.63 in damages.

(Doc. 4 at 13). 2 Taylor's claim under 18 U.S.C. § 1028 will be dismissed with prejudice. Section 1028 does not provide for a private right of action by a litigant such as the plaintiff. *Obianyo v. Tennessee* 518 F. App'x 71, 72 (3d Cir. 2013) (citing *Gonzaga Univ. v. Doe*, 536 U.S. 273, 283-84 (2002)).

The second amended complaint should be a stand-alone document, complete in itself and without reference to any previous pleadings. The amended complaint should set forth Taylor's claims in short, concise, and plain statements and in numbered paragraphs, each limited to a single fact per paragraph as far as practicable. See FED. R. Civ. P. 8(a), 8(d), and 10.

If Taylor believes that Experian furnished his consumer report without a statutorily provided permissible purpose, he should identify the recipient and when it was supplied. Taylor's second amended complaint should not hide any allegations about inaccuracies in his credit report. Plaintiff is directed to state which items on his credit report are wrong, why they are wrong, and when he discovered the errors.

Plaintiff is also directed to state when and how he notified Experian of the discrepancies and the results of same. Taylor need not copy and paste long passages of statutes, dictionary entries, or court cases. Rather, plaintiff must simply state the facts of his situation. If Taylor continues to

plead his claims in riddles or rely upon mutually exclusive facts without explanation, his claims will be dismissed with prejudice.

Furthermore, if Taylor fails to file a second amended complaint within the period provided by the court, his claims will be dismissed with prejudice for failure to prosecute and/or failure to comply with a court order.

Accordingly, for the reasons set forth above, it is hereby ORDERED that: 1) Experian's motion to dismiss, (Doc. 13), is GRANTED; 2) Taylor's claims against Experian arising out of 18 U.S.C. § 1028 are DISMISSED with prejudice; 3) Taylor's FCRA claims against Experian are DISMISSED without prejudice; 4) Taylor may file a second amended complaint within thirty (30) days of this order addressing the deficiencies discussed above; and 5) Should Taylor fail to file a second amended complaint within this period, the court will dismiss plaintiff's FCRA claims with prejudice and without additional notice to the plaintiff.

Date: 1a 7 COURT: oa [PA scarce GE JULIA K. MU) ed States tT