

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

**Mariam Dermendjian v. Experian Information Solutions
Incorporated, et al.**

Dermendjian · No. CV-26-01503-PHX-SHD · Decided April 13, 2026

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Mariam Dermendjian, No. CV-26-01503-PHX-SHD 10 Plaintiff, ORDER 11 v. 12
Experian Information Solutions Incorporated, et al., 13 Defendants. 14 15 Pending before the
Court is Plaintiff Mariam Dermendjian’s Application for Leave 16 to Proceed In Forma Pauperis
(“IFP”). (Doc.

2.) For the reasons stated below, 17 Dermendjian’s application to proceed IFP will be granted, and
Dermendjian’s Complaint, 18 (Doc. 1), will be dismissed with leave to amend. 19 I. IFP
APPLICATION 20 “There is no formula set forth by statute, regulation, or case law to determine
when 21 someone is poor enough to earn IFP status.” Escobedo v. Applebees, 787 F.3d 1226,
1235 22 (9th Cir.

2015). “An affidavit in support of an IFP application is sufficient where it alleges 23 that the
affiant cannot pay the court costs and still afford the necessities of life.” Id. at 1234 24 (citing
Adkins v. E.I. Dupont de Nemours & Co., 335 U.S. 331, 339 (1948)). 25 Having reviewed the
application to proceed IFP, (Doc. 2), I find Dermendjian 26 cannot pay the court costs and still
afford necessities.

Thus, the motion to proceed IFP will 27 be granted. 28 1 II. SCREENING THE COMPLAINT 2
Because Dermendjian is proceeding IFP in this case, her Complaint must be 3 screened. 4 A.
Legal Standard 5 Congress provided with respect to in forma pauperis cases that a district court
“shall dismiss the case at any time if the court determines” that the 6 “allegation of poverty is
untrue” or that the “action or appeal” is “frivolous 7 or malicious,” “fails to state a claim on which
relief may be granted,” or “seeks monetary relief against a defendant who is immune from such
relief.” 8 28 U.S.C. § 1915(e)(2).

While much of section 1915 outlines how prisoners 9 can file proceedings in forma pauperis,
section 1915(e) applies to all in forma pauperis proceedings, not just those filed by prisoners.
Lopez v. Smith, 203 10 F.3d 1122, 1127 (9th Cir. 2000). “It is also clear that section 1915(e) not
11 only permits but requires a district court to dismiss an in forma pauperis complaint that fails to
state a claim.” Id. Therefore, this court must dismiss 12 an in forma pauperis complaint if it fails
to state a claim or if it is frivolous 13 or malicious.

14 Kennedy v. Andrews, 2005 WL 3358205, at *2 (D. Ariz. 2005). 15 “The standard for determining whether a plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the 16 Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a 17 claim.” Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012); see also Wilhelm v. Rotman, 680 F.3d 1113, 1121 (9th Cir.

2012) (noting that 18 screening pursuant to § 1915A “incorporates the familiar standard applied in 19 the context of failure to state a claim under Federal Rule of Civil Procedure 12(b)(6)”). 20 21 Hairston v. Juarez, 2023 WL 2468967, at *2 (S.D. Cal. 2023). 22 Under Rule 8(a)(2), “a pleading must contain a ‘short and plain statement of the 23 claim showing that the pleader is entitled to relief.’” Ashcroft v. Iqbal, 556 U.S. 662, 677– 24 78 (2009) (quoting Fed.

R. Civ. P. 8(a)(2)). While this does not require “detailed factual 25 allegations,... it demands more than an unadorned, the-defendant-unlawfully-harmed-me 26 accusation.” Id. at 678 (quotation marks omitted). To meet this standard, “a complaint 27 must contain sufficient factual matter, accepted as true, to state a claim to relief that is 28 plausible on its face.” Id. (quotation marks omitted).

Thus, a complaint must include 1 “factual content that allows the court to draw the reasonable inference that the defendant is 2 liable for the misconduct alleged.” Id. “Threadbare recitals of the elements of a cause of 3 action, supported by mere conclusory statements, do not suffice.” Id.; see also id. (“Nor 4 does a complaint suffice if it tenders naked assertions devoid of further factual 5 enhancement.” (cleaned up)).

Pro se filings must be construed “liberally when evaluating 6 them under Iqbal.” Jackson v. Barnes, 749 F.3d 755, 763–64 (9th Cir. 2014). 7 B. Dermendjian’s Complaint 8 Dermendjian brings this action against Experian Information Solutions, 9 Incorporated, Portfolio Recovery Associates LLC, Credit Corp Solutions, Incorporated, 10 LVNV Funding LLC, and Midland Credit Management Incorporated, alleging violations 11 of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 et seq.

(Doc. 1.) Her 12 Complaint, however, is largely devoid of factual allegations sufficient to support these 13 claims. (See generally id.) 14 1. Count I: Failure to Reinvestigate (§ 1681i)—Experian 15 To state a claim under § 1681i, a plaintiff must sufficiently allege: “(1) she notified 16 [the credit reporting agency (“CRA”)] of a disputed item of information; (2) [the CRA] 17 failed to reinvestigate and either record the current status of the disputed information or 18 delete the disputed item from its files; (3) [the CRA’s] failure to reinvestigate was negligent 19 or willful; and (4) [the CRA’s] failure to reinvestigate caused [her] injuries.” Hebrank v. 20 Early Warning Servs.

LLC, 2025 WL 1148801, at *2 (D. Ariz. 2025) (quoting *Acton v. 21 Bank One Corp.*, 293 F. Supp. 2d 1092, 1098–99 (D. Ariz. 2003)). 22 Dermendjian’s Count I consists of a single sentence: “Experian failed to conduct a 23 reasonable reinvestigation after disputes.” (Doc. 1 at 2.) While Dermendjian alleges 24 generally that she submitted a written dispute to Experian on August 4, 2025 “requesting 25 reinvestigation, method of verification, ACDV documentation, and Metro-2 compliance,” 26 (id.), she provides no factual detail about what specific items were disputed, what 27 Experian’s reinvestigation consisted of, or why that reinvestigation was inadequate.

She 28 also does not identify which accounts were disputed with Experian, what inaccurate 1 information those accounts contained, or how Experian’s response failed to satisfy the 2 requirements of § 1681i. The allegation that “[d]espite notice Defendants continued 3 reporting inaccurate information,” (id.), is similarly conclusory—it restates the legal 4 conclusion without identifying what information was reported, why it was inaccurate, or 5 what Experian did or failed to do in response to the dispute.

These bare assertions do not 6 permit the Court to assess whether the elements of a § 1681i claim have been met. See 7 *Iqbal*, 556 U.S. at 678. Accordingly, Count I will be dismissed. 8 2. Count II: Failure to Assure Accuracy (§ 1681e(b))—Experian 9 15 U.S.C. § 1681e(b) establishes: “Whenever a consumer reporting agency prepares 10 a consumer report it shall follow reasonable procedures to assure maximum possible 11 accuracy of the information concerning the individual about whom the report relates.” To 12 plead a § 1681e(b) violation, “a consumer must first make a prima facie showing of 13 inaccurate reporting by the CRA.” *Shaw v. Experian Info.*

Sols., Inc., 891 F.3d 749, 756 14 (9th Cir. 2018) (quotation marks omitted). Information is inaccurate if it is “patently 15 incorrect” or is “misleading in such a way and to such an extent that it can be expected to 16 adversely affect credit decisions.” *Id.* (quoting *Gorman v. Wolpoff & Abramson, LLP*, 584 17 F.3d 1147, 1163 (9th Cir. 2009)). “Once the consumer has made a prima facie showing of 18 inaccuracy, he or she must next show that the consumer reporting agency failed to follow 19 reasonable procedures to assure the maximum possible accuracy of the information.” 20 *Wilson v. Equifax Info.*

Servs., LLC, 2020 WL 2771184, *3 (D. Nev. 2020) (citing 15 21 U.S.C. § 1681e(b)). 22 Count II alleges that “Experian failed to follow reasonable procedures to assure 23 maximum accuracy.” (Doc. 1 at 2–3.) And while she states that Portfolio Recovery 24 Associates account number 3537436000 was “reported inaccurately,” she does not explain 25 how. (See *id.* at 3.)

She has thus failed to allege inaccurate reporting by the CRA. At this 26 stage, it is unnecessary to consider whether Experian implemented reasonable procedures 27 because Dermendjian has failed to identify any inaccuracy. See *Torrez v. JP Morgan 28 Chase Bank*, 2026 WL 160835, at *5 (D. Ariz. 2026) (dismissing § 1681e(b) claim where 1 the plaintiff “fail[ed] to make... a prima

facie showing because she did not articulate how the information that Defendant Experian reported was inaccurate”).

Accordingly, Count 3 II will be dismissed. 4 3. Count III: Furnisher Liability—All Furnishers 5 To state a claim under § 1681s-2(b), a plaintiff must plead: “(1) a credit reporting 6 inaccuracy existed on plaintiff’s credit report; (2) plaintiff notified the [CRA] that plaintiff 7 disputed the reporting as inaccurate; (3) the [CRA] notified the furnisher of the alleged 8 inaccurate information of the dispute; and (4) the furnisher failed to investigate the 9 inaccuracies or further failed to comply with the requirements in 15 U.S.C. § 1681s- 10 2(b)(1)(A)–(E).” *Cook v. Mountain Am.*

Fed. Credit Union, 2018 WL 3707922, at *3 (D. 11 Ariz. 2018) (citations omitted). 12 Dermendjian has not sufficiently pled facts establishing that any furnisher defendant 13 engaged in inaccurate credit reporting. Although the FCRA’s reinvestigation provision in 14 § 1681s-2(b) “does not on its face require that an actual inaccuracy exist for a plaintiff to 15 state a claim, many courts, including our own, have imposed such a requirement.” 16 *Carvalho v. Equifax Info.*

Servs., LLC, 629 F.3d 876, 890 (9th Cir. 2010). Dermendjian 17 fails to allege any facts as to what negative information was reported by any furnisher 18 defendant, let alone the supposed inaccuracy. (See generally Doc. 1.) Again, while she 19 identifies Portfolio Recovery Associates account number 3537436000 as “reported 20 inaccurately,” she does not explain how.

(See *id.* at 2–3.) As to Credit Corp Solutions, 21 LVNV Funding, and Midland Credit Management, she provides no identification of any 22 specific account or any description of what was allegedly reported inaccurately. Such 23 conclusory allegations do not sufficiently put any defendant on notice of what was 24 allegedly inaccurate about the reporting. See *Iyigun v. Cavalry Portfolio Servs.*

LLC, 2013 25 WL 950947, at *1 (C.D. Cal. 2013). Accordingly, Count III will be dismissed. 26 4. Count IV—Willful and Negligent Noncompliance 27 Counts I through III assert violations of the FCRA’s substantive provisions. Count 28 IV, styled as a standalone claim for “Willful and Negligent Noncompliance,” invokes 1 §§ 1681n and 1681o. Those provisions, however, are the FCRA’s remedial provisions— 2 they set forth the remedies available to private litigants.

See *Grigoryan v. Bank of Am. 3 Corp.*, 2012 WL 10423215, at *12 (C.D. 2012). Because Counts I through III fail to state 4 a claim, Count IV necessarily fails as well, as there is no underlying substantive violation 5 to which the remedial provisions can attach. Even if the substantive counts were 6 adequately pled, the sole allegation that “Defendants acted willfully and/or negligently,” 7 (Doc.

1 at 3), is entirely conclusory. “Under the FCRA, to show that a violation was willful, 8 a plaintiff must show that the defendant either knowingly violated the Act or recklessly 9 disregarded the

Act's requirements." *Marino v. Ocwen Loan Servicing LLC*, 978 F.3d 669, 10 672 (9th Cir. 2020). No such facts are alleged here.

Accordingly, Count IV will be 11 dismissed. 12 III. LEAVE TO AMEND 13 Unless the Court determines that a pleading cannot be cured by the allegation of 14 other facts, a pro se litigant is entitled to an opportunity to amend a complaint before 15 dismissal of the action. See *Lopez v. Smith*, 203 F.3d 1122, 1127–29 (9th Cir. 2000) (en 16 banc). A finding that any amendment would be futile justifies dismissal without leave to 17 amend.

Bonin v. Calderon, 59 F.3d 815, 845 (9th Cir.1995). 18 Here, the Court cannot conclude that amendment would be futile as Dermendjian 19 could allege additional facts that would state a claim for relief. Accordingly, Dermendjian 20 will be granted the opportunity to amend. 21 Dermendjian must note that an amended Complaint supersedes the original 22 Complaint.

Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. 23 Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1990). Thus, after amendment, the 24 original complaint is treated as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action 25 raised in the original complaint is waived if it is not alleged in an amended complaint. See 26 *Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir.

2012) (en banc). And any 27 Defendant not renamed in the amended complaint will remain dismissed from this case. 28 See *id.* 1 || Accordingly, 2 IT IS ORDERED that the motion to proceed in forma pauperis (Doc. 2) is granted. 3 IT IS FURTHER ORDERED that the Complaint (Doc. 1) is dismissed for the reasons stated above. Dermendjian has 30 days from the date of this Order to file an 5 || amended complaint.

Consistent with LRCiv 15.1, Dermendjian shall file, concurrently 6 || with any amended complaint, a notice of filing the amended pleading that attaches a copy 7\ of the amended pleading indicating in what ways it differs from the Complaint.' 8 IT IS FURTHER ORDERED that if Dermendjian files an amended complaint, the 9|| Clerk of Court shall not issue a summons until the Court screens the amended complaint || and orders service consistent with 28 U.S.C. § 1915(d).

11 IT IS FURTHER ORDERED that if Dermendjian fails to file an amended 12 || complaint within 30 days, the Clerk of Court shall enter judgment dismissing this case with 13 | prejudice. 14 Dated this 13th day of April, 2026. 15 16 / 18 / H le Sharad H. Desai 20 United States District Judge 21 22 23 24 25 26 1 _ __. The Local Rules and a Handbook for Self-Represented Litigants are available on 28|| those Proceeding Without an Attorney (Pro Se), <https://www.azd.uscourts.gov/proceeding-without-attorney> (last visited April 3, 2026). -7-

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