

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

**Howard Leon Haynie v. Experian Information Solutions
Incorporated**

Haynie · No. CV-25-00684-TUC-RM · Decided January 7, 2026

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Howard Leon Haynie, No. CV-25-00684-TUC-RM 10 Plaintiff, ORDER 11 v. 12
Experian Information Solutions Incorporated, 13 Defendant. 14 15 On December 10, 2025,
Plaintiff Howard Leon Haynie filed a pro se Complaint 16 (Doc. 1), an Application for Leave to
Proceed in Forma Pauperis (Doc.

2), and a Motion 17 to Allow Electronic Filing by a Party Appearing Without an Attorney (Doc.
3). The Court 18 will grant the Application for Leave to Proceed in Forma Pauperis and the
Motion to Allow 19 Electronic Filing, and will order Defendant Experian Information Solutions,
Incorporated 20 to answer Plaintiff's Complaint. 21 I. Application for Leave to Proceed in Forma
Pauperis 22 The Court may authorize the commencement and prosecution of any action without
23 prepayment of fees if a person submits an affidavit showing the person is unable to pay the 24
fees.

28 U.S.C. § 1915(a)(1). In his Application for Leave to Proceed in Forma Pauperis, 25 Plaintiff
avers that he is unemployed and has no income; that he has \$100 in savings; that 26 he has no
assets other than his vehicle; and that his monthly expenses are \$302.00. (Doc. 27 2.) Plaintiff has
sufficiently shown that he is unable to pay the filing fees for this action, 28 and the Court will
accordingly grant his Application for Leave to Proceed in Forma 1 Pauperis.

2 II. Motion to Allow Electronic Filing 3 In his Motion to Allow Electronic Filing, Plaintiff avers
that he can comply with all 4 equipment and rule requirements governing electronic filing. The
Court will grant the 5 Motion and allow Plaintiff to electronically file documents in this case only.

6 III. Statutory Screening 7 The Prison Litigation Reform Act states that a district court "shall
dismiss" an in 8 forma pauperis complaint if, at any time, the court determines that the action "is
frivolous 9 or malicious" or that it "fails to state a claim on which relief may be granted." 28
U.S.C. 10 § 1915(e)(2). "[S]ection 1915(e) applies to all in forma pauperis complaints, not just
those 11 filed by prisoners." *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir.

2000) (en banc); see 12 also *Calhoun v. Stahl*, 254 F.3d 845 (9th Cir. 2001) (per curiam). 13 A
pleading must contain a "short and plain statement of the claim showing that the 14 pleader is
entitled to relief." Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8 does 15 not demand

detailed factual allegations, “it demands more than an unadorned, the- 16 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 17 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere 18 conclusory statements, do not suffice.” *Id.* 19 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a 20 claim to relief that is plausible on its face.’” *Ashcroft*, 556 U.S. at 678 (quoting *Bell 21 Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

A claim is plausible “when the 22 plaintiff pleads factual content that allows the court to draw the reasonable inference that 23 the defendant is liable for the misconduct alleged.” *Id.* 24 As the United States Court of Appeals for the Ninth Circuit has instructed, courts 25 must “continue to construe pro se filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342 26 (9th Cir.

2010). A complaint filed by a pro se litigant “must be held to less stringent 27 standards than formal pleadings drafted by lawyers.” *Id.* (internal quotation omitted). 28 Nevertheless, “a liberal interpretation of a civil rights complaint may not supply essential 1 elements of the claim that were not initially pled.” *Ivey v. Bd. of Regents*, 673 F.2d 266, 2 268 (9th Cir.

1982). 3 If the Court determines that a pleading could be cured by the allegation of other 4 facts, a pro se litigant is entitled to an opportunity to amend a complaint before dismissal 5 of the action. See *Lopez*, 203 F.3d at 1127-29. 6 IV. Plaintiff’s Complaint 7 Plaintiff sues for alleged violations of the Fair Credit Reporting Act (“FCRA”), 15 8 U.S.C. § 1681, et seq.

(Doc. 1.) Plaintiff alleges that in or around 2018, due to identity 9 theft, a fraudulent account was opened in his name without his knowledge, authorization, 10 or permission. (*Id.* at 4.) Plaintiff notified Experian on multiple occasions that the account 11 was fraudulent, including in 2024 and 2025. (*Id.*) He provided Experian with a police 12 report, an identity theft report, proof of his identity, and written requests asking Experian 13 to block the fraudulent account.

(*Id.*) Experian continued reporting the fraudulent account 14 on Plaintiff’s credit file even after receiving the identity-theft documents from Plaintiff. 15 (*Id.*) As a result, Plaintiff lost credit opportunities, was denied credit, faced higher interest 16 rates, and experienced emotional distress, with damages of approximately \$25,000. (*Id.*) 17 Plaintiff asks the Court to order Experian to remove and block the fraudulent account from 18 his credit file and to stop reporting information related to the account.

(*Id.*) 19 The Court has federal question jurisdiction over Plaintiff’s claims, which arise under 20 the FCRA, a federal statute. See 28 U.S.C. § 1331. The FCRA requires consumer reporting 21 agencies to follow reasonable procedures to assure the accuracy of consumer reports. 15 22 U.S.C. § 1681e(b).

The reporting agency must conduct a reasonable reinvestigation to 23 determine the accuracy of information in a consumer’s file if the consumer notifies the 24 agency that the information is

disputed. 15 U.S.C. § 1481i(a).

The FCRA also requires 25 consumer reporting agencies to block information in a consumer's file resulting from 26 identity theft. See 15 U.S.C. § 1681c-2. The FCRA imposes civil liability for willful or 27 negligent failure to comply with any of its requirements. See 15 U.S.C. §§ 1681n, 1681o. 28 Liberally construed, Plaintiff's Complaint states claims on which relief can be 1 granted for violation of the FCRA.

The Court will require Defendant to answer the 2 Complaint. 3 IT IS ORDERED: 4 1. Plaintiff's Application for Leave to Proceed in Forma Pauperis (Doc. 2) is 5 granted. Plaintiff is given leave to proceed in this action without pre-paying 6 the filing and administrative fees. 7 2. Plaintiff's Motion to Allow Electronic Filing (Doc. 3) is granted. Plaintiff 8 is granted leave to electronically file documents in this case only.

Plaintiff 9 is required to comply with all rules outlined in the District of Arizona's Case 10 Management/Electronic Case Filing Administrative Policies and Procedures 11 Manual ("ECF Manual"), have access to the required equipment and 12 software, have a personal electronic mailbox of sufficient capacity to send 13 and receive electronic notice of case related transmissions, be able to 14 electronically transmit documents to the court in.pdf, be registered as a 15 subscriber to PACER, and comply with the privacy policy of the Judicial 16 Conference of the United States and the E-Government Act of 2002.

Any 17 misuse of the ECF system will result in immediate discontinuation of this 18 privilege and disabling of the password assigned to the party. 19 3. In accordance with the ECF Manual, within five (5) days of the date this 20 Order is filed, Plaintiff must register as a user with the Clerk's Office and as 21 a subscriber to PACER. 22 4. Defendant Experian Information Solutions, Incorporated must answer 23 Plaintiff's Complaint within the timeframe set by the Federal Rules of Civil 24 Procedure.

25 5. The Clerk of Court must send Plaintiff a service packet including the 26 Complaint (Doc. 1), this Order, and both summons and request for waiver 27 forms for Defendant Experian Information Solutions, Incorporated. 28 6. Plaintiff must complete and return the service packet to the Clerk of Court 1 within twenty-one (21) days of the date of filing of this Order.

The United 2 States Marshal will not provide service of process if Plaintiff fails to comply 3 with this Order. 4 7. If Plaintiff does not either obtain a waiver of service of the summons or 5 complete service of the summons and Complaint on Defendant Experian 6 Information Solutions, Incorporated within ninety (90) days of the filing of 7 the Complaint, this action may be dismissed.

Fed. R. Civ. P. 4(m). 8 8. The United States Marshal must retain the summons, a copy of the 9 Complaint, and a copy of this Order for future use. 10 9. The United States Marshal must notify

Defendant of the commencement of 11 this action and request waiver of service of the summons pursuant to Rule 12 4(d) of the Federal Rules of Civil Procedure.

The notice to Defendant must 13 include a copy of this Order. The Marshal must immediately file signed 14 waivers of service of the summons. If a waiver of service of summons is 15 returned as undeliverable or is not returned by Defendant within thirty 16 (30) days from the date the request for waiver was sent by the Marshal, 17 the Marshal must: 18 a. personally serve copies of the summons, Complaint, and this Order 19 upon Defendant Experian Information Solutions, Incorporated 20 pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure; and 21 b. within ten (10) days after personal service is effected, file the return 22 of service for Defendant, along with evidence of the attempt to secure 23 a waiver of service of the summons and of the costs subsequently 24 incurred in effecting service upon Defendant.

The costs of service 25 must be enumerated on the return of service form (USM-285) and 26 must include the costs incurred by the Marshal for photocopying 27 additional copies of the summons, Complaint, or this Order and for 28 preparing new process receipt and return forms (USM-285), if 1 required. Costs of service will be taxed against the personally served 2 Defendant pursuant to Rule 4(d)(2) of the Federal Rules of Civil 3 Procedure, unless otherwise ordered by the Court.

4 10. If Defendant agrees to waive service of the summons and Complaint, 5 Defendant must return the signed waiver forms to the United States 6 Marshal, not the Plaintiff. 7 Dated this 6th day of January, 2026. 8 9 10 — Ay U □ 7 □□ ll WGULA SL Honorable Rostsiary Mgtquez 12 United States District □□□□ 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -6-