

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, NASHVILLE DIVISION

Jerry Lynn Recker v. Experian Information Solutions, Inc., et al.

Recker · No. 3:25-cv-01503 · Decided May 6, 2026

SUMMARY

The court grants Jerry Lynn Recker’s application to proceed in forma pauperis and conducts the required initial review under 28 U.S.C. § 1915(e)(2). The court concludes that the pro se complaint states colorable claims under the Fair Credit Reporting Act against Experian, Equifax, and TransUnion, including claims concerning inaccurate reporting, inadequate reinvestigation, and deficient descriptions of verification procedures. The action will proceed, with the Clerk directed to issue service packets and the case referred to a magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Nashville Division
WRITING FOR THE COURT	Aleta A. Trauger
JURISDICTION	United States District Court for the Middle District of Tennessee, Nashville Division
DECIDED	May 6, 2026
DOCKET	3:25-cv-01503
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff sought leave to proceed in forma pauperis and asserted Fair Credit Reporting Act claims against three consumer reporting agencies. The district court granted in forma pauperis status, conducted the required preliminary screening under 28 U.S.C. § 1915(e)(2), found the complaint stated colorable claims, and allowed the action to proceed.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an in forma pauperis complaint if it is frivolous, malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The failure-to-state-a-claim inquiry applies the Rule 12(b)(6) plausibility standard, assumes the truth of well-pleaded factual allegations and reasonable inferences, disregards legal conclusions and unwarranted factual inferences, and construes a pro se pleading liberally.

PRECEDENTIAL VALUE	Unknown; district court memorandum and order allowing claims to proceed after in forma pauperis screening.
PARTIES	Jerry Lynn Recker v. Experian Information Solutions, Inc., Equifax Information Services LLC, TransUnion LLC

TOPICS

credit reporting consumer protection pleadings motions to dismiss service of process

PRACTICE AREAS

consumer protection credit reporting civil procedure

QUESTIONS PRESENTED

1. Whether Recker qualified to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. Whether the complaint stated plausible, nonfrivolous claims under the Fair Credit Reporting Act sufficient to survive initial screening under 28 U.S.C. § 1915(e)(2)(B).
3. Whether the Clerk should issue service packets and the case should proceed to service and further pretrial proceedings.

HOLDINGS

1. The plaintiff demonstrated that he could not pay the \$405 civil filing fee without undue hardship, so the application to proceed in forma pauperis was granted.
2. The complaint stated colorable, nonfrivolous claims under the FCRA, and the claims were allowed to proceed for further development.

KEY QUOTATIONS

“At this early stage, the court finds that the Complaint states colorable FCRA claims against the defendants, which will be allowed to proceed for further development.” (II. INITIAL REVIEW)

“To avoid dismissal for failure to state a claim, the Complaint must contain sufficient factual allegations to render a right to relief “plausible on its face,”” (II. INITIAL REVIEW)

FACTUAL BACKGROUND

Recker alleged that the defendant credit reporting agencies maintained consumer credit files containing inaccurate, incomplete, inconsistent, or unverifiable information concerning several accounts. He alleged that, after he disputed the information, the defendants continued reporting disputed information, failed to conduct reasonable reinvestigations, characterized his dispute as frivolous without adequate explanation, and failed to provide adequate descriptions of their verification procedures. He claimed resulting harm to his credit score, loss of credit opportunities, and costs incurred in correcting his records, and sought compensatory and punitive damages along with declaratory and injunctive relief.

PROCEDURAL HISTORY

Recker filed a complaint alleging that Experian, Equifax, and TransUnion reported inaccurate or unverifiable credit information, failed to conduct reasonable reinvestigations, and failed to provide adequate descriptions of their verification procedures. He also filed an application to proceed in forma pauperis. The court granted the application, determined during initial review that the complaint was nonfrivolous and stated plausible FCRA claims, directed the Clerk to issue service packets, and referred the action to a magistrate judge for service and further pretrial proceedings.

DISPOSITION

other

CASES CITED

- Foster v. Cuyahoga Department of Health and Human Services, 21 F. App'x 239, 240 (6th Cir. 2001)
- Ongori v. Hawkins, No. 16-2781, 2017 WL 6759020, at *1 (6th Cir. Nov. 15, 2017)
- Small v. Brock, 963 F.3d 539, 540 (6th Cir. 2020)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Hill v. Lappin, 630 F.3d 468, 470-71 (6th Cir. 2010)
- National Rifle Association of America v. Vullo, 144 S. Ct. 1316, 2024 WL 2751216, at *3 (2024)
- Inner City Contracting, LLC v. Charter Township of Northville, Michigan, 87 F.4th 743, 749 (6th Cir. 2023)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Twumasi-Ankrah v. Checkr, Inc., 954 F.3d 938, 941-42 (6th Cir. 2020)

OPINION

Recker
PER CURIAM.
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION
JERRY LYNN RECKER,)
) Plaintiff,)) v.) Case No. 3:25-cv-01503) Judge Trauger
EXPERIAN INFORMATION)
SOLUTIONS, INC., et al.,)) Defendants.)

MEMORANDUM AND ORDER

Plaintiff Jerry Lynn Recker, a resident of Smyrna, Tennessee, filed a pro se Complaint against Experian Information Solutions, Inc. (“Experian”), Equifax Information Services LLC (“Equifax”), and TransUnion LLC (“TransUnion”). (Doc. No. 1.) The plaintiff also filed an application for leave to proceed in forma pauperis (IFP). (Doc. No. 2.)

I. PAUPER APPLICATION

The plaintiff's IFP application lists monthly income that does not far exceed his reasonable monthly expenses—which include expenses related to recurring injections to treat an eye condition—and a negative balance in his checking account. It therefore appears that the plaintiff cannot pay the \$405 civil filing fee “without undue hardship.” *Foster v. Cuyahoga Dep't of Health and Human Servs.*, 21 F. App'x 239, 240 (6th Cir. 2001). Accordingly, the IFP application (Doc. No. 2) is GRANTED. 28 U.S.C. § 1915(a).

II. INITIAL REVIEW

The court must conduct an initial review and dismiss the Complaint if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); see also *Ongori v. Hawkins*, No. 16-2781, 2017 WL 6759020, at *1 (6th Cir. Nov. 15, 2017) (“[N]on-prisoners proceeding in forma pauperis are still subject to the screening requirements of § 1915(e).”). To avoid dismissal for failure to state a claim, the Complaint must contain sufficient factual allegations to render a right to relief “plausible on its face,” *Small v. Brock*, 963 F.3d 539, 540 (6th Cir. 2020) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)), such that it would survive a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Hill v. Lappin*, 630 F.3d 468, 470–71 (6th Cir. 2010). At this stage, “the Court assumes the truth of ‘well-pleaded factual allegations’ and ‘reasonable inference[s]’ therefrom,” *Nat'l Rifle Ass'n of Am. v. Vullo*, 144 S. Ct. 1316, 2024 WL 2751216, at *3 (2024) (quoting *Iqbal*, 556 U.S. at 678–79), but is “not required to accept legal conclusions or unwarranted factual inferences as true.” *Inner City Contracting, LLC v. Charter Twp. of Northville, Michigan*, 87 F.4th 743, 749 (6th Cir. 2023) (citation omitted). The court must also afford the pro se pleading a liberal construction, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), while viewing it in the light most favorable to the plaintiff. *Inner City*, supra. The Complaint invokes the court's federal-question jurisdiction and claims that Experian, Equifax, and TransUnion—all credit reporting agencies (CRAs) as defined in the Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681 et seq., 1681a(f)—maintained consumer credit files for the plaintiff that “contained inaccurate, incomplete, inconsistent, and/or unverifiable information relating to several tradelines/accounts.” (Doc. No. 1 at 1–2.) After the plaintiff disputed these items and requested “a description of the procedure used to determine the accuracy and completeness of the information” under 15 U.S.C. § 1681i(a)(6)(B)(iii), the defendants “continued to report disputed information, failed to provide adequate [descriptions of their verification procedures], and issued inconsistent or incomplete responses.” (Doc. No. 1 at 2–3.) The Complaint provides more specific allegations concerning each defendant's December 2025 responses to the matters the plaintiff formally placed in dispute. (*Id.* at 3–4.) It claims that Equifax violated the FCRA by improperly characterizing the plaintiff's dispute as frivolous without providing specific reasons, and without undertaking reinvestigation as the statute requires. (*Id.* at 5.) The Complaint also claims that all defendants either negligently or willfully failed to discharge their statutory duty to report the plaintiff's credit matters accurately; that they failed to conduct reasonable reinvestigations when

he filed disputes; and that they failed to provide adequate descriptions of their verification methods (see *id.* at 4–5 (citing 15 U.S.C. §§ 1681e(b), 1681i(a))), resulting in harm to the plaintiff’s credit score, “loss of credit opportunities,” and costs associated with his efforts to correct his records. (*Id.* at 5.) The plaintiff seeks compensatory and punitive damages, as well as declaratory and injunctive relief. (*Id.* at 6.) Under 15 U.S.C. § 1681e(b), “CRAs [must] ‘follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.’ And if a CRA negligently or willfully violates this mandate, the statute continues, an aggrieved consumer may bring suit. *Id.* § 1681n (allowing private right of action for willful noncompliance), § 1681o (same, for negligent noncompliance).” *Twumasi-Ankrah v. Checkr, Inc.*, 954 F.3d 938, 941 (6th Cir. 2020). To state a claim under these provisions, the plaintiff must allege that inaccurate information was reported about him—meaning information that is either “patently incorrect” or “misleading in such a way and to such an extent that it [could have been] expected to have an adverse effect [on him].” *Id.* at 942 (citation omitted). He must also allege that the defendants “either negligently or willfully failed to follow reasonable procedures to assure maximum possible accuracy of the information about the plaintiff,” that he was injured, and that the defendants’ conduct was the proximate cause of his injury. *Id.* at 941. (citation omitted). At this early stage, the court finds that the Complaint states colorable FCRA claims against the defendants, which will be allowed to proceed for further development.

III. FURTHER PROCEEDINGS

As explained above, the Complaint states nonfrivolous claims that will proceed for further development.¹ The Clerk is DIRECTED to send the plaintiff a service packet (a blank summons (AO 440) and USM 285 form) for each defendant. The plaintiff MUST complete the service packets and return them to the Clerk’s Office within 30 DAYS of the entry of this order. Failure to do so may result in the dismissal of this case. Upon return of the properly completed service packets, the Clerk is DIRECTED to issue summons to the U.S. Marshals Service for service on the defendants. Fed. R. Civ. P. 4(b) and (c)(3). This action is REFERRED to the Magistrate Judge to oversee service of process, to enter a scheduling order for the management of the case, to dispose or recommend disposition of any pretrial motions under 28 U.S.C. §§ 636(b)(1)(A) and (B), and to conduct further proceedings, if necessary, under Rule 72(b) of the Federal Rules of Civil Procedure and the Local Rules of Court. The plaintiff is cautioned that he must keep the court informed of his current address at all times. Noncompliance may result in dismissal of this action for failure to prosecute. See Fed. R. Civ. P. 41(b); Local Rule 41.01(b). Additional resources for pro se litigants, including forms, handbooks, and information sheets, are available on the court’s website. See <https://www.tnmd.uscourts.gov/representing-yourself-federal-court>. 1 This determination does not preclude the court from dismissing any claim at any time for the reasons set forth in 28 U.S.C. § 1915(e)(2), nor does it preclude any defendant from filing a motion to dismiss any claim under Federal Rule of Civil Procedure 12. It is so ORDERED.

ALETA A. TRAUGER

United States District Judge

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