

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,
EUGENE DIVISION

Georgie Anufriev v. First Technology Federal Credit Union, Pro
Found Recovery Solutions, and Oregon Adjusters Inc.

Anufriev · No. 6:26-cv-00725-MC · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Oregon dismissed with prejudice Georgie Anufriev’s constitutional claims arising from the repossession of a 2019 Chevrolet Silverado. The court held that the private defendants were not proper defendants under 42 U.S.C. § 1983 or Bivens because they were not acting under color of state or federal law. The court also denied Anufriev’s motion for a temporary restraining order because he had not shown a likelihood of success on the merits.

CASE DETAILS

COURT	United States District Court for the District of Oregon, Eugene Division
WRITING FOR THE COURT	Michael McShane
JURISDICTION	United States District Court for the District of Oregon, Eugene Division
DECIDED	April 16, 2026
DOCKET	6:26-cv-00725-MC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a constitutional-rights complaint and moved for a temporary restraining order. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B), dismissed it with prejudice and without leave to amend, and denied the temporary restraining order.
STANDARD OF REVIEW	The court applied the Federal Rule of Civil Procedure 12(b)(6) standard when screening under 28 U.S.C. § 1915(e)(2)(B). For the temporary restraining order, the court applied the preliminary-injunction factors, including likelihood of success on the merits.
PRECEDENTIAL VALUE	Unknown; district court opinion with no reported citation and no stated precedential designation.

PARTIES

Georgie Anufriev v. First Technology Federal Credit Union, Pro Found Recovery Solutions, Oregon Adjusters Inc.

TOPICS

motions to dismiss injunctions section 1983 due process civil procedure

PRACTICE AREAS

civil procedure constitutional law civil rights injunctive relief consumer finance

QUESTIONS PRESENTED

1. Whether the complaint stated a viable constitutional claim under 42 U.S.C. § 1983 or Bivens against the private defendants.
2. Whether the complaint should be dismissed with prejudice and without leave to amend under 28 U.S.C. § 1915(e)(2)(B).
3. Whether the plaintiff was entitled to a temporary restraining order preventing the proposed sale of the vehicle.

HOLDINGS

1. The complaint failed to state a constitutional claim because the named defendants were private actors and the plaintiff did not identify a defendant acting under color of state law or a viable Bivens defendant.
2. The complaint was properly dismissed under 28 U.S.C. § 1915(e)(2)(B) because it failed to state a claim, and dismissal was with prejudice because amendment would be futile.
3. The temporary restraining order was denied because the plaintiff could not establish a likelihood of success on the merits.

KEY QUOTATIONS

“Private actors are generally not liable under Section 1983 or Bivens.” (Discussion)

“As explained, Plaintiff’s Complaint fails to state a claim and amendment is futile. Plaintiff’s Motion for Temporary Restraining Order is DENIED (ECF No. 4) and the Complaint (ECF No. 1) is DISMISSED WITH PREJUDICE.” (Conclusion)

FACTUAL BACKGROUND

The case concerned the repossession of Anufriev's 2019 Chevrolet Silverado. Oregon Adjusters allegedly took possession of the vehicle on April 8, 2026, pursuant to a repossession order from First Technology Federal Credit Union, which had hired Pro Found Recovery Solutions, which in turn hired Oregon Adjusters. Anufriev alleged that the order was signed without judicial oversight, that Oregon Adjusters refused to return the vehicle, and that First Tech intended to sell it privately after April 23, 2026.

PROCEDURAL HISTORY

Anufriev alleged that defendants repossessed his 2019 Chevrolet Silverado without judicial oversight and threatened to sell it. He asserted Seventh Amendment and due-process claims, which the court construed as claims under 42 U.S.C. § 1983 or Bivens. The court concluded that the defendants were private actors who could not be sued on the alleged constitutional theories, found amendment futile, dismissed the complaint with prejudice, and denied the requested temporary restraining order.

DISPOSITION

dismissed

CASES CITED

- Watson v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 675-76, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Alliance for the Wild Rockies v. Pena, 865 F.3d 1211, 1217 (9th Cir. 2017)
- Sierra On-Line, Inc. v. Phoenix Software, Inc., 739 F.2d 1415, 1422 (9th Cir. 1984)
- Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971)
- Benavidez v. County of San Diego, 993 F.3d 1134, 1144 (9th Cir. 2021)
- Caviness v. Horizon Community Learning Center, Inc., 590 F.3d 806, 812-13 (9th Cir. 2010)
- Villegas v. Gilroy Garlic Festival Ass'n, 541 F.3d 950, 955 (9th Cir. 2008) (en banc)
- Jesinger v. Nevada Federal Credit Union, 24 F.3d 1127, 1132 (9th Cir. 1994)
- Fleck v. Del-One Federal Credit Union, 2026 WL 867599, at *16 (D. Or. Mar. 30, 2026)
- Baird v. Bonta, 81 F.4th 1036, 1040 (9th Cir. 2023)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON EUGENE
DIVISION GEORGIE ANUFRIEV, Case. No. 6:26-cv-00725-MC Plaintiff, OPINION & ORDER
v. FIRST TECHNOLOGY FEDERAL CREDIT UNION, PRO FOUND RECOVERY
SOLUTIONS, OREGON ADJUSTERS INC., Defendants. _____

MCSHANE, Judge: Plaintiff Georgie Anufriev, proceeding pro se, alleges a violation of constitutional rights by Defendants First Technology Federal Credit Union, Pro Found Recovery Solutions, and Oregon Adjusters Inc. Compl., ECF No. 1.

Plaintiff also filed a Motion for Temporary Restraining Order with supporting exhibit on April 15, 2026. TRO Mot., ECF No. 4. The Complaint (ECF No. 1) is dismissed without leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B). Plaintiff's Motion for Temporary Restraining Order (ECF No. 4) is DENIED. SUMMARY OF FACTUAL ALLEGATIONS Plaintiff's Complaint concerns the repossession of a 2019 Chevrolet Silverado.

Compl. ¶ 5. Plaintiff alleges Defendant Oregon Adjusters took possession of the vehicle on April 8, 2026 according to a “repossession order” from Defendant First Technology Federal Credit Union (“First Tech”). Id. ¶¶ 5–6. He explains First Tech hired Defendant Pro Found Recovery Solutions who in turn hired Oregon Adjusters to obtain the vehicle. Id. ¶¶ 7–9.

Plaintiff alleges Oregon Adjusters refused to return the vehicle. Id. ¶¶ 10–11. Plaintiff states the repossession order was “signed... without judicial oversight.” Id. ¶ 6. First Tech intends to sell the vehicle in a private sale sometime after April 23, 2026. ECF No. 4-1. **LEGAL STANDARD I.** Pleading Standard Notwithstanding payment of any filing fee, a Court shall dismiss a complaint from a self-represented plaintiff if it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune.

28 U.S.C. § 1915(e)(2)(B). When screening a complaint for failure to state a claim under § 1915(e)(2)(B), the Court applies the same standard it applies to a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012).

To survive a motion to dismiss under the federal pleading standards, the complaint must include a short and plain statement of the claim and “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 the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

The plausibility standard... asks for more than a sheer possibility that a defendant has acted unlawfully.” Id. (internal citation omitted). The Court is not required to accept legal conclusions, unsupported by alleged facts, as true. Id. **II. Temporary Restraining Order** A plaintiff seeking a preliminary injunction or temporary restraining order must establish: (1) likelihood of success on the merits; (2) irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). When there are “serious questions going to the merits,” a court may still issue preliminary injunctive relief when “the balance of hardships tips sharply in the plaintiff’s favor,” and the other two factors are met. *All. for the Wild Rockies v. Pena*, 865 F.3d 1211, 1217 (9th Cir. 2017) (internal quotations omitted).

The Court’s decision on a motion for a preliminary injunction is not a ruling on the merits. See *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984). **DISCUSSION** Plaintiff alleges Defendants denied him “the right to a trial by jury” under the Seventh Amendment (see TRO Mot.; Compl. ¶ 6.), and “depriv[ed] [him] of private property without due process,” which the Court construes to refer to the Fifth and Fourteenth Amendments (see Compl. ¶ 1).

The Court therefore construes these constitutional claims as arising under 42 U.S.C. § 1983 (“Section 1983”), or under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). “To state a claim under § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of State law.” *Benavidez v. County of San Diego*, 993 F.3d 1134, 1144 (9th Cir.

2021); *Iqbal*, 556 U.S. at 675–76 (describing *Bivens* as “federal analog to suits brought against state officials” under Section 1983). Plaintiff has not identified a viable defendant for his constitutional claims. Private actors are generally not liable under Section 1983 or *Bivens*. A non-governmental entity only acts “under color of state law” for purposes of a Section 1983 claim when “there is such a close nexus between the State and the challenged action that seemingly private behavior may be fairly treated as that of the State itself.” *Caviness v. Horizon Cmty.*

Learning Ctr., Inc., 590 F.3d 806, 812–13 (9th Cir. 2010) (quoting *Villegas v. Gilroy Garlic Festival Ass’n*, 541 F.3d 950, 955 (9th Cir. 2008) (en banc)). Plaintiff explicitly names Defendants as “private agencies.” Compl. ¶ 4.

In addition, First Tech is not a public entity merely by virtue of being a federal credit union. *Jesinger v. Nev. Fed. Credit Union*, 24 F.3d 1127, 1132 (9th Cir. 1994) (“[T]he slight degree of government involvement in the business of federal credit unions does not warrant applying Constitutional requirements to these democratically controlled, non profit cooperatives.” (internal citation and quotation omitted)).

Accordingly, Plaintiff’s constitutional claims against Defendants fail and must be dismissed with prejudice because amendment of these claims against improper defendants is futile. See, e.g., *Fleck v. Del-One Fed. Credit Union*, 2026 WL 867599, at *16 (D. Or. Mar. 30, 2026). Plaintiff also therefore fails to make the requisite showing of likelihood of success on the merits to support a temporary restraining order.

Baird v. Bonta, 81 F.4th 1036, 1040 (9th Cir. 2023) (recognizing likelihood of success on the merits is generally a threshold issue for preliminary injunctive relief). CONCLUSION As explained, Plaintiff’s Complaint fails to state a claim and amendment is futile. Plaintiff’s Motion for Temporary Restraining Order is DENIED (ECF No. 4) and the Complaint (ECF No. 1) is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED. DATED the 16th day of April 2026. _____/s/ Michael McShane _____
Michael McShane United States District Judge