

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Alisa Razumovsky v. Nelnet Servicing LLC

Razumovsky · No. 2:25-cv-02257-DAD-CSK · Decided November 6, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Nelnet Servicing LLC’s motion to dismiss as premature because the pro se plaintiff’s complaint had not yet been screened and a signed complaint had not been filed. The motion was denied without prejudice, and the scheduled hearing was vacated.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 6, 2025
DOCKET	2:25-cv-02257-DAD-CSK
DISPOSITION	denied
PROCEDURAL POSTURE	Defendant moved to dismiss a pro se complaint before the court had completed the mandatory screening required after granting in forma pauperis status.
PRECEDENTIAL VALUE	unpublished
PARTIES	Alisa Razumovsky v. Nelnet Servicing LLC

TOPICS

- [motions to dismiss](#) [pleadings](#) [civil procedure](#)

PRACTICE AREAS

- [Civil procedure](#) [Federal civil rights and consumer litigation procedure](#)

QUESTIONS PRESENTED

1. Whether a defendant's motion to dismiss should be denied as premature when the court has not yet screened an in forma pauperis complaint under 28 U.S.C. § 1915(e)(2).

HOLDINGS

1. A motion to dismiss filed before the court completes the required screening of an in forma pauperis complaint is premature and should be denied without prejudice.

KEY QUOTATIONS

“Once a signed Complaint is filed, the Court will screen the Complaint in due course, and if any cognizable claims remain after screening, Defendant will have the opportunity to respond to the Complaint or if leave to amend is provided, respond to an Amended Complaint.” (at 1)

FACTUAL BACKGROUND

Plaintiff Alisa Razumovsky proceeded pro se and filed a complaint on August 11, 2025. The court granted in forma pauperis status but had not yet screened the complaint for frivolousness, failure to state a claim, or claims against immune defendants. Plaintiff also had not filed the signed complaint required by the court's October 10, 2025 order when Defendant Nelnet Servicing LLC filed its motion to dismiss.

PROCEDURAL HISTORY

Plaintiff filed the complaint on August 11, 2025, and moved to proceed in forma pauperis. After granting IFP status, the court had not yet screened the complaint under 28 U.S.C. § 1915(e)(2), and plaintiff had not filed the signed complaint required by an October 10, 2025 order. Defendant then moved to dismiss; the court denied the motion as premature and without prejudice and vacated the scheduled hearing.

DISPOSITION

denied

CASES CITED

- Gibbons v. Arpaio, 2007 WL 2990151, at *2 (D. Ariz. Oct. 11, 2007)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ALISA RAZUMOVSKY, Case No. 2:25-cv-02257-DAD-CSK 12 Plaintiff,
13 v. ORDER DENYING DEFENDANT’S MOTION TO DISMISS AS PREMATURE 14
NELNET SERVICING LLC, 15 Defendant. (ECF No. 5) 16 17 Plaintiff Alisa Razumovsky, who
is proceeding pro se, has moved to proceed in 18 forma pauperis (“IFP”) in this action.

(ECF No. 2.) After determining whether IFP is 19 appropriate and granting IFP, the Court must
screen the complaint and dismiss any 20 claims that are frivolous or malicious, fail to state a claim
on which relief may be granted, 21 or seek monetary relief against an immune defendant. 28
U.S.C. § 1915(e)(2). Plaintiff’s 22 Complaint, which was filed on August 11, 2025, has not yet

been screened; thus, the 23 Court has not yet determined whether the Complaint states any cognizable claim(s).

See 24 Docket. In addition, on October 10, 2025, the Court ordered Plaintiff to file a signed 25 Complaint within 30 days from the date of the order. See 10/10/2025 Order (ECF No. 4). 26 No signed Complaint has been filed by Plaintiff. See Docket.

Therefore, Defendant 27 Nelnet Servicing, LLC's motion to dismiss (ECF No. 5) is denied as premature. See 28 *Gibbons v. Arpaio*, 2007 WL 2990151, *2 (D. Az. Oct. 11, 2007) (dismissing as 1 || premature a motion to dismiss that was filed before screening order issued). Once a 2 || signed Complaint is filed, the Court will screen the Complaint in due course, and if any 3 || cognizable claims remain after screening, Defendant will have the opportunity to respond 4 || to the Complaint or if leave to amend is provided, respond to an Amended Complaint.

5 || Accordingly, Defendant's motion to dismiss (ECF No. 5) is DENIED without prejudice. 6 | The December 9, 2025 hearing on Defendant's motion is hereby VACATED. 7 IT IS SO ORDERED. 8 9 Dated: November 5, 2025 CC; (i s \C 10 GHI 500 KIM UNITED STATES MAGISTRATE JUDGE 4, razu2257.25 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28