

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

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