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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY,  
Plaintiff,  
v.  
TRAVELERS INSURANCE  
COMPANY,  
Defendant.

Case No. 2:24-cv-02589-TLN-CSK  
  
ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS AS PREMATURE  
  
(ECF No. 3)

Plaintiff Shannon O. Murphy, who is proceeding pro se, has moved to proceed in forma pauperis ("IFP") in this action. (ECF No. 2.) After determining whether IFP is appropriate and granting IFP, the Court must screen the complaint and dismiss any claims that are frivolous or malicious, fail to state a claim on which relief may be granted, or seek monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2). Plaintiff's Complaint, which was filed on September 25, 2024, has not yet been screened; thus, the Court has not yet determined whether the Complaint states any cognizable claim(s). Therefore, Defendant Travelers Insurance Company's motion to dismiss (ECF No. 3) is denied as premature. See *Gibbons v. Arpaio*, 2007 WL 2990151, \*2 (D. Az. Oct. 11, 2007) (dismissing as premature a motion to dismiss that was filed before screening order issued). 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

1 or if leave to amend is provided, respond to an Amended Complaint. Accordingly,  
2 Defendant's motion to dismiss is denied without prejudice and the February 18, 2025  
3 hearing is vacated.

4 IT IS SO ORDERED.

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6 Dated: January 8, 2025

  
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CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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