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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Victor O. Dema,

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No. CV-08-2081-PHX-DGC

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Plaintiff; and

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**ORDER**

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Francisco J. Flores,

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Real Party in Interest.

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vs.

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Allied Towing and Auto Sales Company,

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Defendant.

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Plaintiff commenced this action on November 10, 2008. Dkt. #1. On December 9, 2008, the Court issued an order denying Plaintiff's motion to proceed in forma pauperis in light of his propensity for filing frivolous and repetitive lawsuits. Dkt. #5; see Dkt. #3. Plaintiff has filed a motion for leave to pay the \$350.00 filing fee by installments. Dkt. #6 at 1-2. The Court will deny the motion. The Court will, however, give Plaintiff until **March 6, 2009** to pay the filing fee in full. The Court will not extend this deadline absent a showing of extraordinary circumstances prior to the expiration of the deadline.

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Plaintiff has moved to realign the parties and bring this action in his own name as the real party in interest. Dkt. #6 at 2. The Court will deny the motion as moot. Plaintiff may file an amended complaint once as a matter of course before a responsive pleading is filed. See Fed. R. Civ. P. 15(a). Plaintiff may not, however, file an amended complaint prior to paying the filing fee in full.

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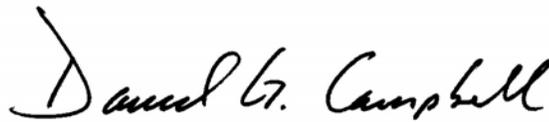
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1 Plaintiff is advised that this action will be dismissed without further notice if Plaintiff  
2 fails to comply with this order. Plaintiff is further advised that the March 6, 2009 deadline  
3 to pay the filing fee in full has no effect on the deadline for serving process on Defendants  
4 under Rule 4(m) of the Federal Rules of Civil Procedure.

5 **IT IS ORDERED:**

- 6 1. Plaintiff's motion to pay filing fee by installments and motion to realign the  
7 parties (Dkt. #6) are **denied**.
- 8 2. Plaintiff shall pay the \$350.00 filing fee in full by **March 6, 2009**.
- 9 3. The Clerk is directed to enter dismissal of this action without further notice if  
10 Plaintiff fails to comply with this order.

11 DATED this 6th day of February, 2009.

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15 David G. Campbell  
16 United States District Judge  
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