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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHERY FINNEY,

Plaintiff,

vs.

NAVAL CRIMINAL INVESTIGATION  
SERVICE

Defendant.

CASE NO. 07cv1669-L (CAB)

**ORDER DENYING PLAINTIFF'S  
MOTION TO PROCEED *IN FORMA*  
*PAUPERIS***

Plaintiff Chery Finney filed a complaint pursuant to the Federal Tort Claims Act. Concurrently she filed a Motion and Declaration Under Penalty of Perjury in Support of Motion to Proceed *in Forma Pauperis* ("IFP Motion"). For the reasons which follow, Plaintiff's IFP Motion is **DENIED**.

All parties instituting any civil action, suit or proceeding in a United States District Court must pay a filing fee. *See* 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Plaintiff's declaration is missing page 2 and is therefore incomplete.

Plaintiff's IFP Motion is therefore **DENIED**, and the complaint is **DISMISSED** without prejudice. Pursuant to this order, Plaintiff is granted 60 days' leave to pay the filing fee required to maintain this action pursuant to 28 U.S.C. § 1914, or to submit the

1 required information regarding her financial status. **IF PLAINTIFF CHOOSES TO**  
2 **FILE ADDITIONAL INFORMATION REGARDING HIS POVERTY, SHE MUST**  
3 **ATTACH A COPY OF THIS ORDER.**

4 **IT IS SO ORDERED.**

5  
6 DATED: August 24, 2007

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8   
M. James Lorenz  
United States District Court Judge

9 COPY TO:

10 HON. CATHY ANN BENCIVENGO  
11 UNITED STATES MAGISTRATE JUDGE

12 ALL PARTIES/COUNSEL

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