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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MAGDALINA KALINCHEVA ,
Plaintiff,
vs.
JESSE NEUBARTH,
Defendant.

CASE NO. 13cv1046-LAB (WVG)
ORDER OF DISMISSAL

On May 1, 2013, Plaintiff Magdalena Kalincheva filed a complaint without paying the required filing fee or moving to proceed *in forma pauperis*. All parties instituting any civil action, suit or proceeding in any district court of the United States, except an application for writ of habeas corpus, must pay a filing fee of \$400. See 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay this filing fee only if the party is granted leave to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a). See *Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Because Plaintiff has neither paid the filing fee nor moved to proceed IFP, the complaint is **DISMISSED WITHOUT PREJUDICE**.

The complaint, as it stands now, would be subject to screening and dismissal if Kalincheva moved to proceed *in forma pauperis*. The body of the complaint is incomprehensible, often consisting of random words and phrases instead of complete sentences. It does not comply with Fed. R. Civ. P. 8's "short and plain statement"

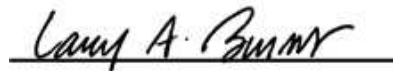
1 requirement, nor is it possible to say with any certainty what Kalincheva's claims are or why
2 she believes she is entitled to relief.

3 No later than **January 5, 2015**, Kalincheva must either pay the filing fee or file a
4 motion to proceed IFP, and must also file an amended complaint. If she does not do so, this
5 action will be dismissed for failure to prosecute. If Kalincheva files an amended complaint,
6 the amendments should address these issues. Kalincheva is required to support her claims
7 by factual allegations, not merely legal conclusions. If she files an amended complaint that
8 does not correct these defects, it may be dismissed with prejudice.

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IT IS SO ORDERED.

DATED: December 2, 2014



HONORABLE LARRY ALAN BURNS
United States District Judge