

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

BETTY L. JUTZI-TITZER,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:06-cv-0016-RLY-WGH
)	
U.S. DISTRICT COURT, Federal,)	
)	
Defendant.)	

Entry Directing Further Proceedings

I.

The plaintiff's request to proceed *in forma pauperis* is **denied**. The reason for this ruling is that she has sufficient funds in her checking account to pay the \$250 filing fee for this action. She shall have **through February 15, 2006**, in which to do so.

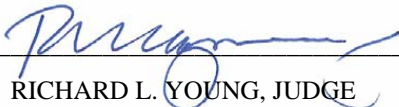
II.

The plaintiff's complaint indicates that she is suing United States District Court, apparently the District Court for the Southern District of Illinois at East St. Louis, because her vehicle was driven there by a fugitive and was never returned to her. The court will infer that the plaintiff is intending, in fact, to sue the United States of America, which is the sovereign with which the district court is affiliated. The United States can be sued only under limited circumstances. The only circumstance suggested by the complaint in this case is that the plaintiff could be asserting a claim under the Federal Tort Claims Act. In order to do so, she must have first presented her claim to the appropriate federal agency and that agency must have denied the claim. 28 U.S.C. § 2675(a). A plaintiff's failure to exhaust administrative remedies before she brings suit mandates dismissal of the claim. *McNeil v. United States*, 508 U.S. 106, 113 (1993).

The plaintiff shall also therefore have through **February 15, 2006**, in which to state whether she is in fact suing the United States of America for the loss and/or value of her truck and, if so, whether she has filed a claim with the appropriate agency and has received a denial of such claim. In the alternative, if she is not suing the United States of America, she shall identify the basis on which she believes that a viable claim for damages could be asserted against a United States District Court.

IT IS SO ORDERED.

Date: 01/24/2006


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Copies to:

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