

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JOSHUA AARON BELL,

Plaintiff,

v.

STE. GENEVIEVE COUNTY, et al.,

Defendants,

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No. 1:15CV18 SNLJ

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff's motion for leave to proceed in forma pauperis and civil complaint under 42 U.S.C. § 1983. Under 28 U.S.C. § 1915(e), the Court is required to dismiss the complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted.¹

Plaintiff sues defendants for false arrest and excessive use of force. Plaintiff's complaint stems from an arrest on April 7, 2014. Plaintiff filed a complaint under § 1983 alleging the same facts before he filed this case. Bell v. Ste. Genevieve County, No. 1:14CV94 SNLJ (E.D. Mo.). The older case was stayed under Wallace v. Kato, 549 U.S. 384, 397 (2007), on June 27, 2014. Plaintiff is not permitted to bring two federal civil actions on the same facts. Therefore, the Court will direct plaintiff to show cause why this action should not be dismissed without further proceedings.

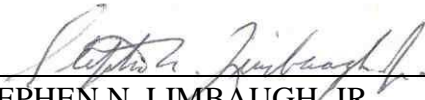
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

¹ Normally, the Court would require plaintiff to pay a partial initial filing fee under § 1915(b). However, plaintiff has not had any deposits into his prison account in the past six months, and he has had a negative monthly balance. Therefore, the Court will not require plaintiff to pay the filing fee.

IT IS FURTHER ORDERED that plaintiff shall show cause, no later than **March 2, 2015**, why this action should not be dismissed as duplicative.

Dated this 9th day of February, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE