

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

DARNELL WESLEY MOON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:16-CV-208 ACL
)	
CHARLES DOERGE, V, et al.,)	
)	
Defendants,)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of Darnell Wesley Moon (BOP Register Number 34077-044) for leave to proceed in forma pauperis. The motion is denied.

Moon filed this action on behalf of himself and his mother, Mable Anderson, alleging that Officers of the U.S. Probation Office for the Eastern District of Missouri violated his right to be free from unreasonable searches and seizures, falsely arrested him, violated the Federal Wiretap Act, and retaliated against him in violation of the First Amendment. Anderson alleges that defendants unreasonably searched her home, where plaintiff was living at the time.

In his complaint and motion for leave to proceed in forma pauperis, Moon represents that he is not detained in any institution for violating the law. The claim is duplicitous. On February 22, 2016, this Court revoked Moon's supervised release and sentenced him to one year and one day imprisonment. See *United States v. Moon*, No. 1:07-CR-133 RWS (E.D. Mo.).¹ During his final revocation hearing, plaintiff admitted to possessing debit cards with other persons names, possessing fraudulent tax and other financial documents, and lying to his probation officer about

¹ Plaintiff has filed a motion to vacate under § 2255 challenging the revocation. See *Moon v. United States*, No. 1:16-CV-106 RWS (E.D. Mo.).

his employment. Plaintiff is currently detained at RRM Nashville, a BOP Residential Reentry Center.² As a result, he is a “prisoner” under the terms of 42 U.S.C. § 1997e(h).

Moon has reason to be dishonest with regard to his prisoner status, as the Court has previously found him to have three “strikes” under 28 U.S.C. § 1915(g). See, e.g., *Moon v. Cape Girardeau County Sheriff's Dep't*, No. 1:11-CV-128 LMB (E.D. Mo.).

Because Moon’s complaint and financial affidavit contain fraudulent information, and because he has been found to have three strikes, the Court denies his motion for leave to proceed in forma pauperis.

Additionally, Anderson has not submitted a motion for leave to proceed in forma pauperis or a signed financial affidavit.

Accordingly,

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

IT IS HEREBY ORDERED that plaintiff must pay the \$400 filing fee within fourteen (14) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without further proceedings.

Dated this 9th day of August, 2016.



CATHERINE PERRY
UNITED STATES DISTRICT JUDGE

² See <https://www.bop.gov/inmateloc/> (accessed August 9, 2016). Plaintiff’s projected release date is December 20, 2016.