

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

DARNELL WESLY MOON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:17-CV-132 DDN
)	
BOB HOLDER, et al.,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis on appeal. The motion will be denied, and plaintiff will be directed to pay the \$505.00 filing fee.

Plaintiff may not proceed in forma pauperis on appeal because he has incurred more than three strikes under 28 U.S.C. § 1915(g). See *Moon v. United States*, No. 1:09-CV-6 RWS (E.D. Mo. Feb. 3, 2009); *Moon v. Nat’l Asset Recovery Servs., Inc.*, No 4:09-CV-117 DDN (E.D. Mo. Feb. 2, 2009); *Moon v. Nat’l Recovery Servs., Inc.*, No. 4:09-CV-1129 DDN (E.D. Mo. Jul. 28, 2009).

In his memorandum in support of his motion to proceed in forma pauperis on appeal, plaintiff states that the “three strike” rule of 28 U.S.C. § 1915(g) is unconstitutional under the equal protection clause. Plaintiff cites no legal support for his contention, and the Court has found none. See, e.g., *Higgins v. Carpenter*, 258 F.3d 797, 798 (8th Cir. 2001) (finding “three strikes” rule rationally related to a legitimate government interest in curtailing meritless inmate suits). As a result, the Court will deny the motion and will direct plaintiff to pay the appellate filing fee.


Accordingly.

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis on appeal [Doc. #17] is **DENIED**.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, plaintiff shall pay to this Court the full \$505 filing and docketing fees for filing an appeal. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that plaintiff shall file any future document or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 12th day of January, 2018.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE