

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for leave to proceed in forma pauperis.

Plaintiff, an inmate at the St. Louis City Justice Center, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff was “under imminent danger of serious physical injury” at the time the complaint was filed. See Martin v. Shelton, 319 F.3d 1048, 1050 (8th Cir. 2003) (imminent danger of serious physical injury must exist at the time the complaint is filed).

After reviewing the complaint, the Court finds no allegations indicating that plaintiff was in imminent danger of serious physical injury when he filed his complaint on or about January 14, 2014. As a result, the Court will deny the motion for leave to proceed in forma pauperis and will dismiss this action without prejudice to refiling as a fully paid complaint.

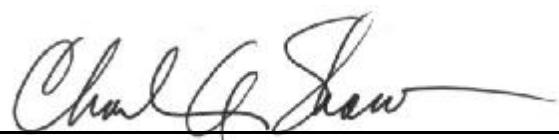
¹See Wilson v. City of St. Louis, No. 4:07-CV-854 (E.D. Mo.); Wilson v. Wilson, No. 4:09-CV-160-MLM (E.D. Mo.); Wilson v. Hallazzgo, No. 4:09-CV-1346-TCM (E.D. Mo.); Wilson v. State of Mo., No. 4:11-CV-1014-AGF (E.D. Mo.).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is **DENIED**. [Doc. 2]

IT IS FURTHER ORDERED that this action is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

An Order of Dismissal shall accompany this Memorandum and Order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 25th day of February, 2014.