

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

SAMUEL H. WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15-CV-873-AGF
)	
NURSE DONALD, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on review of Samuel H. Williams’ motion for leave to proceed in forma pauperis [Doc. #5]. For the following reasons, the motion will be denied and this action will be dismissed, without prejudice.

Plaintiff is an inmate at the Eastern Reception Diagnostic and Correctional Center. He initially filed this action on or about June 1, 2015, however he did not apply for in forma pauperis status until June 23, 2015. It appears that plaintiff has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ As such, under 28 U.S.C. § 1915(g), plaintiff is not entitled to proceed in forma pauperis unless he 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 this action on or about June 1, 2015.

¹*See Williams v. Russell*, No. 4:11-CV-611-RWS (E.D. Mo.); *Williams v. Russell*, No. 4:11-CV-1590-RWS (E.D. Mo.); *Williams v. Saublel*, No. 2:08-CV-4218-NKL (W.D. Mo.).

In addition, plaintiff's factual allegations are incoherent and delusional and fail to state a claim or cause of action under 42 U.S.C. § 1983. He states, for instance that he saw Nurse Donald roughly two years ago for back pain, during which time she was learning to draw blood and about six months later he received a notice that he needed to take the drug metformin for diabetes. He further alleges that the medical staff keep trying to kill him with this diabetes medication.

For these reasons, the Court will deny plaintiff's motion for in forma pauperis status and will dismiss this action without prejudice to refile as a fully paid complaint.

Accordingly,

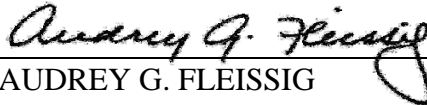
IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #5] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel [Doc. #3] is **DENIED** as moot.

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

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 13th day of July, 2015.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE