

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

TOMMY L. FINLEY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-CV-1989 JCH
)	
STEVEN H. GOLDMAN, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff, a prisoner, seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983 and *Bivens*. The motion is denied because this case is duplicative of a previous case the Court dismissed on § 1915(e) review.

On April 3, 1997, petitioner was charged in state court with sexual assault and drug charges. *Missouri v. Finley*, No. 2197R-01553-01 (St. Louis County). Subsequently, on November 20, 1997, plaintiff was charged in this Court with racketeering and murder, and the Court found him guilty after a bench trial. *United States v. Finley*, No. 4:97-CR-455 SNLJ. On July 29, 1998, the Court sentenced him to 216 months’ imprisonment. *Id.*

Plaintiff was not tried on the state charges until May 10, 2003. He moved to dismiss the charges on the basis that his that his rights under the Interstate Agreement on Detainers Act, 18 U.S.C. App. 2 *et seq.* (the “Act”), were violated. He claimed the state court had violated the anti-shuttling provision and speedy-trial requirement of the Act. The court denied his motion.

In this case, plaintiff seeks declaratory and injunctive relief, including release from confinement, based on his argument that the state court violated the anti-shuttling provision and speedy-trial requirement of the Act.

Plaintiff brought the same allegations in *Finley v. Steele*, No. 4:16-CV-1120 SPM. The Court dismissed the action because, among other things, it was barred by the statute of limitations.

A plaintiff may not proceed in forma pauperis more than once on the same claims. *E.g.*, *Cooper v. Delo*, 997 F.2d 376, 377 (8th Cir. 1993) (§ 1915(e) dismissal has res judicata effect on future IFP petitions). Therefore, the motion for leave to proceed in forma pauperis is denied. If plaintiff wishes to pursue this action, he must pay the \$400 filing fee.

Accordingly,

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

IT IS FURTHER ORDERED that plaintiff must pay the \$400 filing fee within twenty-one (21) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it his name and the case number.

If plaintiff does not timely pay the filing fee, the Court will dismiss this action without prejudice.

Dated this 27th day of July, 2017.

\s\ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE