

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

SOLOMON SEALS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-cv-2515-SNLJ
)	
CINDY GRIFFITH,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Missouri inmate Solomon Seals for leave to commence this civil action, brought pursuant to 42 U.S.C. § 1983, without prepayment of the required filing fee. The motion will be denied, and this case will be dismissed without prejudice.

Plaintiff, a prisoner and a frequent filer of lawsuits, is subject to 28 U.S.C. § 1915(g), which limits a prisoner’s ability to obtain in forma pauperis status if he has filed at least three actions that have been dismissed as frivolous, malicious, or for failure to state a claim. It provides in relevant part:

In no event shall a prisoner bring a civil action ... under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action ... in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Section 1915(g) is commonly known as the “three strikes” rule, and it has withstood constitutional challenges. See *Higgins v. Carpenter*, 258 F.3d 797, 799 (8th Cir. 2001).

Review of this Court's files reveals that plaintiff has accumulated more than three strikes. Seales v. Goose, et al., Case No. 2:95-cv-4187-SOW (W.D. Mo. Jul. 17, 1995); Seales v. Moorish Science Temple, Case No. 2:95-cv-4246-SOW (W.D. Mo. Sept. 14, 1995); Seales v. Goose, et al., Case No. 2:96-cv-4053-FJG (W.D. Mo. Apr. 22, 1996); Seales v. Goose, et al., Case No. 2:96-cv-4232-NKL (W.D. Mo. Oct. 8, 1996); Seals v. Kemna, Case No. 5:98-cv-6153-HFS (W.D. Mo. Nov. 30, 1998); Seales v. Kemna, Case No. 5:98-cv-6157-HFS (W.D. Mo. Nov. 17, 1998). Therefore, he may proceed in forma pauperis in this action only if he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

The instant complaint is a long, nonsensical narrative. For example, plaintiff refers to himself as "King, Solomon Seals-Supalus The Adept Chamber of the Moorish Science Temple of America, 3rd Heaven." (Docket No. 1 at 1). He alleges he is "the only 'citizen' in the whole world," the "only true & Divine Warden," the only Magistrate Judge and attorney, and is the "real King." (Id. at Docket No. 1 at 5, 13). He asks this Court to give him a "Pardon," monetary damages in the amount of "\$700,707,700 Zillion Dollars & all wealth, gold, silver & commerce" so that he may continue to be "the only king in the world," and to incarcerate the defendant for 2,000 years. (Id. at 13). None of these allegations amount to imminent danger of serious physical injury. The Court will therefore deny the instant motion, and dismiss this action without prejudice to the filing of a fully paid complaint.

Even if plaintiff were not subject to § 1915(g), the complaint would be subject to dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) because it is factually frivolous. An action is factually frivolous if the facts alleged are "clearly baseless." *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). Alleged facts are clearly baseless if they are "fanciful," "delusional," or

“fantastic.” Id. In this case, the allegations in the complaint are factually frivolous as defined in Denton.

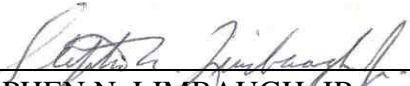
Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for leave to proceed in forma pauperis (Docket No. 2) is **DENIED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 5th day of October, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE