

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOSEPH MICHAEL DEVON ENGEL,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-cv-1927-HEA
)	
INSTAGRAM,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon the request of plaintiff Joseph Michael Devon Engel, prison registration number 1069055, for leave to commence this civil action without prepayment of the filing fee.¹ Plaintiff’s request will be denied, and this case will be dismissed without prejudice to the filing of a fully-paid complaint.

Plaintiff is a prisoner who, while incarcerated, has filed at least three civil actions that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted.² The Prison Litigation Reform Act of 1996 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

¹ In the body of the complaint, plaintiff states he seeks leave to proceed *in forma pauperis*. He also provided a copy of his inmate account statement.

² On September 9, 2020, plaintiff began filing civil actions *in forma pauperis* in this Court. As of December 21, 2020, at least three were dismissed for one of the reasons enumerated in 28 U.S.C. § 1915(e)(2). See *Engel v. Governor of Missouri, et al.*, No. 1:20-cv-217 HEA (E.D. Mo. Dec. 15, 2020); *Engel v. United States of America, et al.*, No. 4:20-cv-1742 MTS (E.D. Mo. Dec. 18, 2020); *Engel v. Missouri Courts, et al.*, No. 4:20-cv-1258 SPM (E.D. Mo. Dec. 21, 2020). To date, plaintiff has initiated over 130 civil actions in this Court. The complaints that have been reviewed pursuant to 28 U.S.C. § 1915(e) have been dismissed for one of the reasons enumerated therein, and/or because plaintiff failed to comply with court orders. In *Engel v. Missouri Courts, et al.*, No. 4:20-cv-1258-SPM (E.D. Mo. Dec. 21, 2020), the Court cautioned plaintiff to avoid the practice of repeatedly filing frivolous and malicious complaints.

may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). “A prior dismissal on a statutorily enumerated ground counts as a strike even if the dismissal is the subject of an appeal.” *Coleman v. Tollefson*, 575 U.S. 532, 135 S. Ct. 1759, 1763 (2015). Therefore, plaintiff 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).

In the complaint, plaintiff avers he is a sovereign citizen of Alaska. In setting forth his statement of claim, he alleges “someone” “posted pics and m[e]ssages that was not me someone hacked my account no help nothing.” As relief, he seeks “100 Trillion Dollars 1,500 stocks in Instagram, Facebook Tictoc, SnapChat.”


Because plaintiff’s allegations do not establish that he is under imminent danger of serious physical injury, he may not proceed *in forma pauperis* in this action. The Court will therefore deny his request for leave to proceed *in forma pauperis*, and will dismiss this case without prejudice to the filing of a fully-paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff may not proceed *in forma pauperis* in this action.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice to the filing of a fully-paid complaint. A separate order of dismissal will be entered herewith.

Dated this 21st day of January, 2021.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE