

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

SAMUEL H. WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-CV-283 NCC
)	
DISTRICT COURT JUDGE DORR, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the motion of plaintiff Samuel H. Williams, an inmate at Potosi Correctional Center,¹ for leave to commence this civil action without prepayment of the filing fee. The motion 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 may be granted, unless the prisoner is under imminent danger of serious physical injury.

¹ Plaintiff's inmate registration number is 1200783.

² See *Williams v. Russell*, No. 4:11-cv-611-RWS (E.D. Mo. 2011); *Williams v. Russell*, No. 4:11-cv-1590-RWS (E.D. Mo. 2011); *Williams v. Sauble*, No. 2:08-CV-4218-NKL (W.D. Mo. 2008).

28 U.S.C. § 1915(g). Therefore, plaintiff may proceed in forma pauperis in this action only if he “is under imminent danger of serious physical injury.” *Id.*

In the instant complaint, plaintiff sues two District Court Judges in the United States District Court for the Western District of Missouri, three Appellate Court Judges from the Eighth Circuit Court of Appeals and the Clerk of the Eighth Circuit Court of Appeals, Michael Gans. Plaintiff asserts that he has been denied access to the Courts by defendants and “equal protection of the laws.” He states that he wishes to address his alleged wrongful conviction for assault and armed criminal action in Greene County, Missouri in 2009. He seeks to “free [himself] from unconstitutional imprisonment” and also asks for monetary damages in an amount in excess of \$750,000.

To the extent plaintiff is seeking monetary damages in this action brought pursuant to 42 U.S.C. § 1983, plaintiff’s allegations do not establish that he is under imminent danger of serious physical injury. He therefore may not proceed in forma pauperis in this action. As a result, the Court will deny plaintiff’s motion for leave to proceed in forma pauperis and will dismiss this case without prejudice to the filing of a fully-paid complaint.

To the extent plaintiff is seeking relief pursuant to habeas corpus, 28 U.S.C. § 2254, the Court notes that this is the improper venue for bringing such an action. Plaintiff was convicted in Greene County, Missouri, *State of Missouri v. Williams*, No. 31307CF7018 (31st Jud. Cir. 2009), which falls within the venue of the Western District of Missouri. 28 U.S.C. 105(b). Thus, if plaintiff wishes to file a petition for writ of habeas corpus relative to his Greene County conviction, he should do so in the United District Court for the Western District of Missouri.³ The Clerk shall be instructed to provide plaintiff with a court form for filing a § 2254.

³ Petitioner has previously filed several habeas corpus applications, both in this Court, as well as in the

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

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [ECF No. 4] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk shall provide plaintiff with a form petition for filing an application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. If plaintiff wishes to file such a motion he shall file it in the United States District Court for the Western District of Missouri.

Dated this 10th day of March, 2022.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE

Western District of Missouri, challenging the same conviction and sentence. *See Williams v. Blair*, No. 6:20-cv-03413-DGK-P (transferred from the Eastern District to the Western District and case dismissed as successive); *Williams v. Russell*, No. 6:13-cv-03435-DGK-P (transferred from the Eastern District to the Western District and case dismissed as having been untimely filed); *Williams v. Russell*, No. 6:15-cv-03287-DGK-P (transferred from the Eastern District to the Western District and dismissed as successive); *Williams v. Steele*, No. 6:17-cv-03213-DGK-P (transferred from the Eastern District to the Western District and dismissed as successive); *Williams v. Blair*, No. 4:21-cv-00314 DGK-P (transferred from the Eastern District to the Western District and dismissed as successive). Appeals of these judgments were affirmed by the United States Court of Appeals for the Eighth Circuit. Pursuant to 28 U.S.C. § 2244(b)(3)(A).