

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

| | | |
|-------------------------------|---|----------------------|
| ANGEL RIOS-ROSA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:23-CV-1710 HEA |
| |) | |
| DEPARTMENT OF HEALTH, et al., |) | |
| |) | |
| Defendants. |) | |

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion to proceed in forma pauperis on appeal. As discussed in the Memorandum and Order issued January 4, 2024, plaintiff has accumulated more than three “strikes” pursuant to 28 U.S.C. § 1915(g)¹, and he does not qualify for the imminent danger exception. Therefore, plaintiff may not proceed in forma pauperis on appeal. Also, when the Court dismissed this action, it stated that an appeal would not be taken in good faith. *See* ECF No. 4; 28 U.S.C. § 1915(a)(3). The motion is denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis on appeal [ECF No. 8] is **DENIED**.


IT IS FURTHER ORDERED that within thirty (30) days from the date of this Order, plaintiff shall pay to this Court the full \$605 filing fee for filing an appeal. Plaintiff is instructed to

¹*Rios-Rosa v. Armstrong*, No. 1:23-cv-118-SNLJ (E.D. Mo. Sept. 11, 2023); *Rios-Rosa v. Breisacher, et al.*; No. 5:23-cv-6072-HFS23 (W.D. Mo. Aug. 31, 2023); *Rios-Rosa v. SECC Financial Office Members*, No. 1:23-cv-24-MTS (E.D. Mo. Mar. 7, 2023); *Rios-Rosa v. Limbaugh, et al.*, No. 1:23-cv-2-MTS (E.D. Mo. Feb. 28, 2023); *Rios-Rosa v. Reed*, No. 1:23-CV-85 SNLJ (E.D. Mo. July 14, 2023) and *Rios-Rosa v. Christenson*, No. 1:22-CV-145 SNLJ (E.D. Mo. Nov. 4, 2022). Additionally, on August 28, 2023, the Western District of Missouri found plaintiff to be a “three-striker” in *Rios-Rosa v. Financial Office of JCC, et al.*, 5:23-cv-6094-HFS (W.D. Mo. Aug. 28, 2023).

make his remittance payable to “Clerk, United States District Court,” and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 16th day of February, 2024.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE