

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION**

Dewey Austin Barnett, II v. Tracy Brown, et al.

Barnett · No. 4:26-cv-00734-MTS · Decided May 18, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denied Dewey Austin Barnett II's motion to proceed in forma pauperis under the three-strikes provision of 28 U.S.C. § 1915(g). The court found that he had previously incurred at least three qualifying dismissals and had not shown that he was under imminent danger of serious physical injury, ordering him to prepay the \$405 filing fee by June 8, 2026.

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION DEWEY AUSTIN BARNETT, II,)) Plaintiff,)) vs.) Case No. 4:26-cv-00734-MTS) TRACY BROWN, et al.,)) Defendants.) MEMORANDUM AND ORDER This matter is before the Court on review of Plaintiff's Motion for Leave to Proceed in Forma Pauperis. Doc.

[2]. Plaintiff currently is a "prisoner" as that term is defined under 28 U.S.C. § 1915(h). Because he previously filed at least three actions while a prisoner that the Court later dismissed as frivolous, malicious, or because they failed to state a claim upon which relief may be granted,¹ Plaintiff cannot proceed with his instant action unless he prepays the entire \$405 filing fee.

28 U.S.C. § 1915(g); see also *Gonzalez v. United States*, 23 F.4th 788, 789 (8th Cir.), cert. denied, 142 S. Ct. 2837 (2022) ("After three strikes, a litigant loses the right to sue without prepaying the filing fee.").² 1 See *Barnett v. Fox*, 4:25-cv-0307-SPM, ECF No. 3 (E.D. Mo. May 13, 2025); *Barnett v. Fox*, 4:25-cv-1206-JSD, ECF No. 4 (E.D. Mo. Aug. 27, 2025); *Barnett v. Hill*, 1:25-cv-0167-JMB, ECF No. 5 (E.D.

Mo. Oct. 8, 2025). See also *Barnett v. Stacey*, 4:26-cv- 0088-RHH, ECF No. 10 (E.D. Mo. Mar. 16, 2026) (noting Plaintiff has three strikes). 2 Plaintiff's Complaint does not, in any way, show he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to Proceed in Forma Pauperis, Doc. [2], is DENIED. IT IS FURTHER ORDERED that, no later than Monday, June 08, 2026, Plaintiff shall prepay the entire filing fee of \$405 in full. If Plaintiff fails to do so, the Court will dismiss this action without prejudice and without further notice. Dated this 18th day of May 2026.

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