

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI, SOUTHERN DIVISION

Andre L. Stewart v. Jerry A. Harmison, Jr. et al.

Stewart · No. 6:26-cv-03042-MDH · Decided January 29, 2026

SUMMARY

The United States District Court for the Western District of Missouri denied Andre L. Stewart’s motion to proceed in forma pauperis after concluding that his proposed claims concerning an ongoing Missouri criminal proceeding failed to state a claim under 28 U.S.C. § 1915(e)(2)(B). The court held that the requested declaratory and prospective injunctive relief was barred by Younger abstention because the state proceeding was ongoing, implicated important state interests, and provided an adequate opportunity to raise the federal issues. The court found Stewart’s emergency motion for a temporary restraining order and/or preliminary injunction moot.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri, Southern Division
WRITING FOR THE COURT	Douglas Harpool
JURISDICTION	United States District Court for the Western District of Missouri, Southern Division
DECIDED	January 29, 2026
DOCKET	6:26-cv-03042-MDH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to proceed in forma pauperis and sought a temporary restraining order and preliminary injunction in connection with an ongoing Missouri criminal prosecution. The district court screened the proposed complaint under 28 U.S.C. § 1915(e)(2), denied leave to proceed in forma pauperis for failure to state a claim, and found the emergency injunctive motion moot.
STANDARD OF REVIEW	The court applied the discretionary standard governing in forma pauperis applications and conducted the required preliminary screening under 28 U.S.C. § 1915(e)(2). It reviewed the requested federal intervention under the Younger abstention framework.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Andre L. Stewart v. Jerry A. Harmison, Jr., Missouri Office of Administration – Risk Management Division, Greene County, Missouri

TOPICS

civil procedure

injunctions

procedural due process

first amendment

section 1983

PRACTICE AREAS

civil procedure

civil rights

constitutional law

criminal procedure

remedies

QUESTIONS PRESENTED

1. Whether Stewart could proceed in forma pauperis when his proposed § 1983 and Missouri Sunshine Law claims sought federal intervention in an ongoing state criminal proceeding.
2. Whether Younger abstention required the federal court to refrain from hearing Stewart's claims for declaratory and prospective injunctive relief.
3. Whether Stewart's emergency motion for a temporary restraining order or preliminary injunction remained justiciable after denial of leave to proceed in forma pauperis.

HOLDINGS

1. Leave to proceed in forma pauperis was denied because the proposed complaint failed to state a claim on which relief could be granted under 28 U.S.C. § 1915(e)(2)(B).
2. Younger abstention barred Stewart's claims for declaratory and prospective injunctive relief because an ongoing state judicial proceeding implicated important state interests, Stewart could raise his federal questions in that proceeding, and no extraordinary circumstances were shown.
3. The emergency motion for a temporary restraining order or preliminary injunction was moot after the court denied Stewart's motion to proceed in forma pauperis.

KEY QUOTATIONS

“These claims are barred under the abstention doctrine set forth in Younger v. Harris, 401 U.S. 37 (1971).”

“With Plaintiff being represented by counsel in the underlying state case, the Court finds there are no extraordinary circumstances that would warrant a deviation from Younger.”

FACTUAL BACKGROUND

Stewart was a defendant in an ongoing Missouri criminal case involving DWI and leaving the scene of an accident causing property damage exceeding \$1,000. He alleged that the state court failed to recognize his pro se status, refused to docket or consider his pro se motions, entered orders without a hearing, and issued or maintained a bench warrant after he attended a hearing through WebEx. The federal court reviewed the state docket and found that the state court was docketing and disposing of his filings, that Stewart remained represented by counsel, and that no extraordinary circumstances justified federal intervention.

PROCEDURAL HISTORY

Stewart sought federal relief under 42 U.S.C. § 1983 and the Missouri Sunshine Law based on alleged deficiencies in his ongoing state criminal proceeding, including treatment of his pro se filings, a bench warrant, and a remote appearance. The district court determined that Younger abstention barred the requested intervention because the state proceeding was ongoing, implicated important state interests, and provided an adequate opportunity to raise the federal issues. The court denied the in forma pauperis motion and found the TRO and preliminary-injunction motion moot.

DISPOSITION

other

CASES CITED

- Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983)
- Younger v. Harris, 401 U.S. 37 (1971)
- Norwood v. Dickey, 409 F.3d 901, 903 (8th Cir. 2005)
- Fuller v. Ulland, 76 F.3d 957, 959 (8th Cir. 1996)
- State of Missouri v. Andre L. Stewart, Case No. 2231-CR04835-01

OPINION

Stewart

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF MISSOURI

SOUTHERN DIVISION

ANDRE L. STEWART,)

) Plaintiff,)) vs.) Case No. 6:26-cv-03042-MDH) JERRY A. HARMISON, JR et al.,))
Defendants.))

ORDER

Before the Court is Plaintiff Andre L. Stewart's Pro Se Motion for Leave to Proceed In Forma Pauperis. (Doc. 1). Plaintiff has also attached his Application to Proceed Without Prepaying Fees or Costs in support. Id. Plaintiff wishes to proceed in forma pauperis against Defendants the Honorable Jerry A Harmison Jr in both his individual and official capacity as a Circuit Judge of the 31st Judicial Circuit in Greene County, Missouri; the Missouri Office of Administration – Risk Management Division and Greene County, Missouri. Plaintiff is currently a defendant in the 31st Judicial Circuit in Greene County, Missouri in State of Missouri v. Andre L. Stewart, Case No. 2231-CR04835-01 on charges of a DWI and leaving the scene of an accident – property damage exceeding \$1,000. See State of Missouri v. Andre L. Stewart, Case No. 2231- CR04835-01. Plaintiff alleges that in the state criminal proceeding he was allowed to attend a hearing via

WebEx, did so, and was cited as failing to appear in person in which a bench warrant was ordered; the state court failing to recognize his pro se status; the state court refusing to docket and consider Plaintiff's pro se motions; the state court entering docket orders without hearing or justification; and the Missouri Office of Admission – Risk Management Division stating “no records responsive to your request exist” regarding public official bond records. (Doc. 1-2). Plaintiff seeks declaratory, prospective injunctive relief, nominal damages, and costs associated with this lawsuit. Also before the Court is Plaintiff's Pro Se Emergency Motion for Temporary Restraining Order (“TRO”) and/or Preliminary Injunction. (Doc. 2). The Court will take each motion in turn. I. Motion for Leave to Proceed In Forma Pauperis “Under 28 U.S.C. § 1915, the decision whether to grant or deny in forma pauperis status is within the sound discretion of the trial court.” *Cross v. Gen. Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983). The Court is also required to conduct a review of Plaintiff's Complaint to be filed in forma pauperis. See 28 U.S.C. § 1915(e)(2) (“Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that (B) the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.”). Here, Plaintiff's financial condition and status may well qualify him to proceed in forma pauperis. However, before Plaintiff may proceed, the Court must preliminarily consider the allegations of the Complaint under the three-prong test. Plaintiff's Proposed Complaint alleges four counts against Defendants: Count I – 42 U.S.C. § 1983 Violation of Procedural Due Process; Count II – 42 U.S.C. § 1983 Violation of Right of Self-Representation; Count III – 42 U.S.C. § 1983 Violation of First Amendment Right to Petition and Access to Courts; and Count IV – Mo. Rev. Stat. § 483.075 Missouri Sunshine Law. The Court finds that Plaintiff's Proposed Complaint fails to state a claim on which relief may be granted. Pursuant to U.S.C. § 1915(e)(2)(B) this Court must deny Plaintiff's Pro Se Motion for Leave to Proceed In Forma Pauperis. Plaintiff states that he “does not ask this Court to intervene in or enjoin the underlying state prosecution”. (Doc. 1-2). However, Plaintiff specifically asks this Court to intervene in his ongoing state judicial process by requesting the following relief: Declaratory Relief – A declaration that Defendants' ongoing refusal to recognize Plaintiff's pro se status, to docket and consider his filings, and to honor the court- authorized Webex appearance deprives Plaintiff of rights secured by the First, Sixth, and Fourteenth Amendments to the United States Constitution. Prospective Injunctive Relief – An order requiring that: a. The Circuit Court of Greene County recognize Plaintiff's pro se status, or in the alternative, conduct a proper Faretta hearing and make findings before denying such status; b. The Court accept, docket, and consider all motions and filings submitted by Plaintiff in his own name; and c. The Court adhere to its own Webex or other remote-appearance authorization or, in the alternative, provide a meaningful opportunity to be heard by reasonable alternative means consistent with due process. (Doc. 1-2, page 14). These claims are barred under the abstention doctrine set forth in *Younger v. Harris*, 401 U.S. 37 (1971). *Younger* requires federal courts to abstain from hearing cases when there is an

ongoing state judicial proceeding that implicates important state interests and affords an adequate opportunity to raise the federal questions presented, absent extraordinary circumstance where the danger of irreparable injury to the federal plaintiff is both great and immediate. *Norwood v. Dickey*, 409 F.3d 901, 903 (8th Cir. 2005) (citing *Fuller v. Ulland*, 76 F.3d 957, 959 (8th Cir. 1996)). Plaintiff alleges that: As of the filing of this Complaint, the bench warrant remains active, exposing Plaintiff to immediate arrest and incarceration despite his good-faith efforts to appear, comply and resolve the matter. The continuing existence of the warrant, coupled with the trial court's refusal to recognize Plaintiff's pro se status or docket his filings, has chilled his ability to petition the court, denied access to due process, and placed him under imminent threat of loss of liberty. (Doc. 1-2, ¶¶ 10-11). However, in review of the docket for *State of Missouri v. Andre L. Stewart*, Case No. 2231-CR04835-01 the state court is docketing his filings and dismissing them. The state court has ruled on Plaintiff's pro se motions that the "Court is in receipt of a pro se motion. The Court finds defendant is not pro se. Defendant is represented by counsel. As such, the Court takes no action on the improperly filed motion." *Id.* This Court also notes that while Plaintiff has attempted to dismiss his attorney of record through a Pro Se Notice of Immediate Termination of Counsel, it was not granted and Plaintiff continues to be represented by counsel in his underlying state court case. *Id.* With Plaintiff being represented by counsel in the underlying state case, the Court finds there are no extraordinary circumstances that would warrant a deviation from *Younger*. The Court further finds Plaintiff can raise his federal questions presented within his ongoing state judicial proceeding and thus *Younger* abstention is warranted. For the reasons stated, Plaintiff's Pro Se Motion for Leave to Proceed In Forma Pauperis is DENIED. II. Emergency Motion for TRO and/or Preliminary Injunction As the Court has denied Plaintiff's Pro Se Motion for Leave to Proceed In Forma Pauperis, the Court concludes that Plaintiff's Pro Se Emergency Motion for TRO and/or Preliminary Injunction is FOUND AS MOOT.

CONCLUSION

For the reasons stated above, Plaintiff's Pro Se Motion for Leave to Proceed In Forma Pauperis is DENIED and Plaintiff's Pro Se Emergency Motion for TRO and/or Preliminary Injunction is FOUND AS MOOT. IT IS SO ORDERED. Date: January 29, 2026 /s/ Douglas Harpool_____

DOUGLAS HARPOOL

UNITED STATES DISTRICT JUDGE