

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PRECEDENTIAL VALUE	unpublished district court order; nonprecedential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