

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

Rico Paul v. Brittany VanVolkenburg, et al.

Paul · No. 4:26-cv-00303-PLC · Decided March 3, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denied Rico Paul’s application to proceed in forma pauperis under the Prison Litigation Reform Act’s three-strikes provision. The court concluded that the complaint alleged past harms rather than an imminent danger of serious physical injury, dismissed the action without prejudice to filing a fully paid complaint, and denied the motion for appointed counsel as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	March 3, 2026
DOCKET	4:26-cv-00303-PLC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed an incarcerated plaintiff’s complaint and application to proceed in forma pauperis under the Prison Litigation Reform Act and sua sponte determined whether the statutory imminent-danger exception applied.
STANDARD OF REVIEW	The court reviewed and liberally construed the complaint to determine whether it demonstrated that plaintiff was under imminent danger of serious physical injury at the time of filing.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- prisoners rights
- civil procedure
- civil rights
- damages

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether plaintiff, having accumulated three qualifying dismissals, satisfied the imminent-danger exception to 28 U.S.C. § 1915(g).
2. Whether plaintiff could proceed in forma pauperis under the Prison Litigation Reform Act.
3. Whether plaintiff's motion for appointed counsel remained viable after dismissal of the action.

HOLDINGS

1. A prisoner subject to 28 U.S.C. § 1915(g) may proceed in forma pauperis only if he was under imminent danger of serious physical injury when he filed the complaint; allegations concerning past harm do not satisfy the exception.
2. The application to proceed in forma pauperis was denied because plaintiff had three qualifying strikes and did not establish imminent danger of serious physical injury.

KEY QUOTATIONS

“An inmate subject to § 1915(g) is only eligible to proceed in forma pauperis if he is under imminent danger at the time of filing his complaint.”

“The Court will therefore deny Plaintiff’s Application and dismiss this case without prejudice to the filing of a fully-paid complaint.”

FACTUAL BACKGROUND

Rico Paul, incarcerated at Potosi Correctional Center, asserted claims arising from alleged assaults, inadequate medical care, disciplinary confinement, and grievance-related matters occurring in 2024, 2025, and 2026. He alleged that he had been in imminent danger since arriving at the facility in July 2022 and sought \$600,000 in damages. The court found that the complaint focused on alleged past harm and did not establish imminent danger when the complaint was filed.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint against correctional and medical personnel and applied to proceed without prepaying fees or costs. The court found that he had accumulated three qualifying strikes under 28 U.S.C. § 1915(g), determined that the complaint alleged past rather than imminent harm, denied in forma pauperis status, and dismissed the action without prejudice to filing a fully paid complaint. The court denied plaintiff's motion for appointed counsel as moot.

DISPOSITION

dismissed

CASES CITED

- Jones v. Bock, 549 U.S. 199, 204 (2007)

- Orr v. Clements, 688 F.3d 463, 464 (8th Cir. 2012)
- Ashley v. Dilworth, 147 F.3d 715, 717 (8th Cir. 1998)

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