

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

Supastar Ware v. Jane Summer, et al.

Ware · No. 4:26-cv-00512-MTS · Decided April 15, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri dismisses Supastar Ware’s action without prejudice because he has three strikes under 28 U.S.C. § 1915(g) and has not alleged imminent danger of serious physical injury. The Court also cites his alleged false representations regarding prior dismissals and states that he may refile only if he prepays the filing fee.

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	April 15, 2026
DOCKET	4:26-cv-00512-MTS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff applied to proceed in forma pauperis. The district court determined that he was barred by the Prison Litigation Reform Act's three-strikes provision and dismissed the action without prejudice.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum opinion

TOPICS

- prisoners rights
- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff was eligible to proceed in forma pauperis despite having three strikes under 28 U.S.C. § 1915(g).

2. Whether the action should be dismissed without prejudice based on Plaintiff's false representation concerning his prior three-strikes dismissals.
3. Whether the court could dismiss the action without giving Plaintiff another opportunity to prepay the filing fee.

HOLDINGS

1. Plaintiff was not eligible to proceed in forma pauperis because he had three qualifying strikes and did not allege facts showing that he was under imminent danger of serious physical injury.
2. Plaintiff's false representation that he had never had a case dismissed under the three-strikes rule independently warranted dismissal without prejudice.
3. The court could dismiss the action without providing another opportunity to prepay the filing fee because Plaintiff was already aware that he was barred by the three-strikes provision.

FACTUAL BACKGROUND

Plaintiff Supastar Ware sought permission to proceed without prepaying the filing fee. The court found that he had accumulated three strikes under 28 U.S.C. § 1915(g) and had not alleged facts demonstrating imminent danger of serious physical injury. The court also found that Plaintiff falsely stated in his complaint that he had never had a case dismissed under the three-strikes rule, despite numerous prior dismissals and prior notice from the court.

PROCEDURAL HISTORY

Plaintiff filed this civil action and an application to proceed without prepaying fees or costs. The district court found that Plaintiff had three qualifying strikes, did not allege imminent danger of serious physical injury, and falsely represented that he had never had a case dismissed under the three-strikes rule. The court dismissed the action without prejudice and stated that Plaintiff could refile after prepaying the filing fee.

DISPOSITION

dismissed

CASES CITED

- Ware v. Mo. Dep't of Corr., 4:25-cv-1262-SEP, 2025 WL 2636429, at *1 (E.D. Mo. Sept. 12, 2025)
- Ware v. Missouri Dept. of Corr., 4:25-cv-1457-MTS, 2025 WL 2821250, at *1 (E.D. Mo. Oct. 3, 2025)
- Ware v. Wilson, 4:25-cv-1516-JMB, 2025 WL 3240140, at *1 (E.D. Mo. Nov. 20, 2025)
- Ingram v. Warden, 735 F. App'x 706, 707 (11th Cir. 2018) (per curiam)
- Ger-Nis LLC v. FJB, Inc., 1:07-cv-0898-CM, 2008 WL 2704384, at *16 (S.D.N.Y. July 3, 2008)

OPINION

Ware

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

SUPASTAR WARE,)

) Plaintiff,)) vs.) Case No. 4:26-cv-00512-MTS) JANE SUMMER, et al.,)) Defendants.)

MEMORANDUM OPINION

This matter is before the Court on Plaintiff Supastar Ware's Application to Proceed in District Court without Prepaying Fees or Costs. Doc. [2]. Plaintiff is not eligible to proceed in forma pauperis here because he has three strikes and does not allege facts showing that he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g); see also Ware v. Mo. Dep't of Corr., 4:25-cv-1262-SEP, 2025 WL 2636429, at *1 (E.D. Mo. Sept. 12, 2025) (collecting Ware's strikes). For this reason, the Court will dismiss this action without prejudice. See Ware v. Missouri Dept of Corr., 4:25-cv-1457-MTS, 2025 WL 2821250, at *1 (E.D. Mo. Oct. 3, 2025). The Court will do so without providing Plaintiff with another opportunity to prepay the filing fee because, based on numerous previous orders of this Court, Plaintiff is aware that he has struck out under § 1915(g). See, e.g., id.; Ware v. Wilson, 4:25-cv-1516-JMB, 2025 WL 3240140, at *1 (E.D. Mo. Nov. 20, 2025). Though Plaintiff is aware that he has struck out, he continues to falsely allege in his complaints that he has never had a single case dismissed under 28 U.S.C. § 1915(g). See, e.g., Doc. [1] at 35 (indicating that he has never "had a case dismissed on the basis of this 'three strikes rule'"). This representation is patently false because Plaintiff has had numerous cases dismissed for this reason, and the Court has explicitly told him so multiple times. This misrepresentation also warrants dismissal of this action without prejudice. See Ingram v. Warden, 735 F. App'x 706, 707 (11th Cir. 2018) (per curiam). In addition, the Court reminds Plaintiff that he signs his complaints "under penalty of perjury." See id. at 37; see also 28 U.S.C. § 1621 (punishing perjury with a fine and imprisonment of up to five years). The Court can refer instances of perjury to the United States Attorney's Office for investigation and possible prosecution, see Ger-Nis □□□□ LLC v. FJB, Inc., 1:07-cv-0898-CM, 2008 WL 2704384, at *16 (S.D.N.Y. July 3, 2008), or levy sanctions under Federal Rule of Civil Procedure 11(c). * Ok Ok For these reasons, the Court will enter herewith an Order of Dismissal that will dismiss this action without prejudice. Plaintiff may refile this action if he prepays the \$405 filing fee in full. See E.D. Mo. L.R. 2.01(B)(1). And, in future complaints, Plaintiff must stop providing false information to the Court about his strikes under 28 U.S.C. § 1915(g). Dated this 15th day of April 2026.) □□

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UNITED STATES DISTRICT JUDGE

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