

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

Supastar Ware v. John Boyles, et al.

Ware · No. No. 4:26-cv-00654-JMB · Decided May 1, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies Supastar Ware’s application to proceed in forma pauperis because he had accrued three qualifying strikes under 28 U.S.C. § 1915(g). The court finds that Ware did not allege facts showing imminent danger of serious physical injury and orders him to pay the full filing fee within 21 days, or the action will be dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Henry Edward Autrey
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	May 1, 2026
DOCKET	No. 4:26-cv-00654-JMB
DISPOSITION	other
PROCEDURAL POSTURE	A self-represented prisoner plaintiff applied to proceed in forma pauperis in a civil-rights action under 42 U.S.C. § 1983. The district court denied the application under the Prison Litigation Reform Act's three-strikes provision and ordered plaintiff to pay the full filing fee.
STANDARD OF REVIEW	The court reviewed its records to determine whether plaintiff had three qualifying strikes and assessed the complaint's allegations to determine whether the imminent-danger exception to § 1915(g) applied.
PRECEDENTIAL VALUE	Unknown; district-court memorandum and order with no reporter citation.

TOPICS

- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

prisoner civil rights

in forma pauperis procedure

federal civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff was barred from proceeding in forma pauperis because he had accrued three or more qualifying strikes under 28 U.S.C. § 1915(g).
2. Whether the allegations established that plaintiff was under imminent danger of serious physical injury, triggering the exception to the three-strikes bar.
3. What filing-fee consequence should follow from denial of plaintiff's in forma pauperis application.

HOLDINGS

1. Because plaintiff had previously brought at least three actions dismissed as frivolous, malicious, or for failure to state a claim, 28 U.S.C. § 1915(g) barred him from proceeding in forma pauperis unless the imminent-danger exception applied.
2. Plaintiff's allegations did not establish an imminent danger of serious physical injury sufficient to avoid the § 1915(g) three-strikes bar.

KEY QUOTATIONS

“The ‘imminent danger’ exception to § 1915(g) ‘focuses on the risk that the conduct complained of threatens continuing or future injury, not on’

FACTUAL BACKGROUND

Plaintiff, a prisoner and frequent filer, sued 12 Missouri Department of Corrections employees over alleged conduct occurring between April 22 and April 27, 2026. His allegations concerned prison disciplinary conduct, investigations, housing-unit targeting, mail handling, restraint, alleged misgendering, and purported violations of prison protocols and employment contracts. The court found no allegation showing that plaintiff faced imminent danger of serious physical injury.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 complaint against employees of the Missouri Department of Corrections and moved to proceed without prepayment of fees and costs. The court determined that plaintiff had accrued at least three qualifying dismissals under 28 U.S.C. § 1915(g), and that he had not shown imminent danger of serious physical injury. The court denied in forma pauperis status, ordered payment of the \$405 filing fee within 21 days, and stated that failure to pay would result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Higgins v. Carpenter, 258 F.3d 797, 799 (8th Cir. 2001)
- McAlphin v. Toney, 281 F.3d 709, 711 (8th Cir. 2002)
- Ware v. Foley, et al., No. 4:25-cv-383-JAR (E.D. Mo. filed June 18, 2025)
- Ware v. Missouri Department of Corrections, et al., No. 4:24-cv-934-ACL (E.D. Mo. filed July 23, 2024)
- Ware v. Centurion Health Care, No. 4:24-cv-1008-SEP (E.D. Mo. filed August 8, 2025)
- Ware v. Missouri Department of Corrections, et al., No. 4:25-cv-1262-SEP (E.D. Mo. Sept. 12, 2025)
- Ware v. Galibert, et al., No. 2:25-cv-4246-BCW (W.D. Mo. Oct. 28, 2025)

OPINION

Ware

PER CURIAM.

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

SUPASTAR WARE,)

) Plaintiff,)) v.) No. 4:26-cv-00654-JMB) JOHN BOYLES, et al.,)) Defendants.)

OPINION, MEMORANDUM AND ORDER

Before the Court is self-represented Plaintiff Supastar Ware’s application to proceed in district court without prepayment of fees and costs. Because Plaintiff has accrued three strikes under 28 U.S.C. § 1915(g), the Court will deny the application and order Plaintiff to pay the full filing fee. 28 U.S.C. § 1915(g) Plaintiff, a prisoner and frequent filer of lawsuits, is subject to 28 U.S.C. § 1915(g), which limits a prisoner’s ability to obtain in forma pauperis status if they have filed at least three actions that have been dismissed as frivolous, malicious, or for failure to state a claim. Section 1915(g) provides in relevant part: In no event shall a prisoner bring a civil action . . . under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. rule, and it has withstood constitutional challenges. See Higgins v. Carpenter, 258 F.3d 797, 799 (8th Cir. 2001). A review of this Court’s files indicates that Plaintiff previously brought three civil actions that were dismissed as frivolous, malicious, or for failure to state a claim. See Ware v. Foley, et al., No. 4:25-cv-383-JAR (E.D. Mo. filed Jun. 18, 2025); Ware v. Missouri Dep’t of Corr., et al., No. 4:24-cv-934-ACL (E.D. Mo. filed Jul. 23, 2024); Ware v. Centurion Health Care, No. 4:24-cv-1008-SEP (E.D. Mo. filed Aug. 8, 2025); see also Ware v. Missouri Dep’t of Corr., et al., No. 4:25-cv- 1262-SEP (E.D. Mo. Sept. 12, 2025) (dismissing Plaintiff’s action under § 1983(g)); Ware v. Galibert, et al., No. 2:25-cv-4246-BCW (W.D. Mo. Oct. 28, 2025) (dismissing Plaintiff’s action under § 1915(g)). Therefore, the Court cannot permit Plaintiff to proceed in forma pauperis absent “imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). The Complaint Plaintiff brings this action under 42 U.S.C. § 1983 against 12 employees of the Missouri Department of Corrections.¹ Plaintiff

brings 13 claims, alleging: (1) staff used conduct violations as weapons; (2) staff violated protocol pertaining to investigations; (3) staff singled out a wing and targeted it as a form of punishment; (4) a CO worked a housing unit where he was informed of a pending investigation at Plaintiff, which is a form of stalking and humiliation; (7) CO targeted cell 5-C- 204 for “sexual (gratification)”; (8) a CO violated employment contract; (9) CO stated ERDCC will not be issuing ramification forms; (10) CO denied ramification forms and mishandled legal mail; (11) Plaintiff given “informal 2-hours on restraint bench” and CO is misgendered Plaintiff; (12) ERDCC administration not following protocol and violating supervisors’ manual; and (13) CO violated employment contract and prison manual protocol. Doc. [1] at 6, 38. Each claim occurred between April 22 and April 27, 2026, which suggests Plaintiff has not exhausted any prison remedies. With each allegation, Plaintiff asks the Court to see camera and audio data from the prison. For relief, Plaintiff handwrites 31 pages of various forms of relief he seeks, including \$19 zillion, free concerts, deeds to land, establishment of new federal holidays, luxury vehicles, changes to Facebook’s policies, legalization of cocaine and heroin and lifetime supply of these drugs from Cuba, a cure to cancer, etc. Id. at 9-37, 39-40. Discussion The Court does not find that Plaintiff’s allegations are causing him to be under imminent danger of serious physical injury as required to trigger the exception to the three-strike rule. The “imminent danger” exception to § 1915(g) “focuses on the risk that the conduct complained of threatens continuing or future injury, not on F.3d 1048, 1050 (8th Cir. 2003); see, e.g., McAlphin v. Toney, 281 F.3d 709, 711 (8th Cir. 2002) (finding plaintiff faced imminent danger where infection spreading in his mouth required five tooth extractions and he needed two more extractions that were being unconstitutionally delayed). Plaintiff has not alleged he faces any imminent danger. Viewed in the light most favorable to Plaintiff, the Court does not find an imminent danger of serious physical injury sufficient to avoid the three-strikes bar. Because Plaintiff’s complaint does not fall under this exception to § 1915(g), the Court will deny Plaintiff’s application to proceed in district court without prepayment of fees and costs. Plaintiff shall pay the \$405 filing fee within 21 days of the date of this order or this action will be dismissed without prejudice under 28 U.S.C. § 1915(g). Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed in district court without prepaying fees and costs is DENIED. Doc. [2] IT IS FURTHER ORDERED that Plaintiff shall pay the \$405 filing fee within 21 days of the date of this Memorandum and Order. IT IS FURTHER ORDERED that if Plaintiff does not comply with this Memorandum and Order, the Court will dismiss this action without prejudice and without further notice. Dated this 1% day of May, 2026.

HENRY EDWARD AU REY

UNITED STATES DISTRICT JUDGE

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