

**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

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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