

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 20-1349

In re: George Poole

Plaintiff - Appellant

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:06-mc-00595-RWS)

JUDGMENT

Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

June 23, 2020

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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In re: George Poole

Appellant

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:06-mc-00595-RWS)

MANDATE

In accordance with the judgment of 06/23/2020, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

July 14, 2020

Clerk, U.S. Court of Appeals, Eighth Circuit

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:)
) No. 4:06-mc-595-RWS
GEORGE POOLE)

ORDER

This matter is before the Court on George Poole's motion for leave to file a civil action. (ECF No. 10). The motion will be denied.

Poole is subject to an *en banc* order of this Court that was entered after the Court determined that he had abused the judicial process by repeatedly filing frivolous and malicious litigation. *See* (ECF No. 1) (hereafter "Order.") The Order enjoins Poole from filing any *pro se* action, whether accompanied by the requisite filing fee or motion for leave to proceed *in forma pauperis*, without first receiving leave of court. The Order specifies that, to seek such leave, Poole must file a proposed complaint alleging that he has been recently subjected to an actionable civil wrong or constitutional deprivation, or that he is about to be subjected to a constitutional deprivation by reason of the threat of an immediate, extraordinary and irreparable physical harm. In addition, the proposed complaint must be supported by affidavits that set forth, clearly and specifically, the facts giving rise to the complaint.


With the instant motion, Poole has attached a proposed complaint against defendant Reliable Life Insurance Company. Therein, Poole invokes this Court's diversity jurisdiction. He avers that he is a Missouri citizen, and that the defendant is incorporated in Missouri. He claims the amount in controversy is \$75,000. In setting forth his claims for relief, Poole alleges that one "Agent Olson," also a Missouri resident, gave him incorrect information about a life insurance policy, and about whether Poole could obtain a loan against it.

Even if the Court were to grant the instant motion, the complaint would be subject to dismissal for lack of jurisdiction. The claims Poole purports to assert do not arise under the Constitution, laws, or treaties of the United States. Therefore, this Court would not have jurisdiction pursuant to 28 U.S.C. § 1331. While Poole invokes this Court's diversity jurisdiction, he avers he and the defendant are citizens of the same state, and he alleges an amount in controversy below the jurisdictional threshold. Therefore, this Court would not have jurisdiction pursuant to 28 U.S.C. § 1332. As a result, the Court will deny Poole leave of court to file the proposed civil action.

Accordingly,

IT IS HEREBY ORDERED that Poole's motion for leave to file a civil action (ECF No. 10) is **DENIED**.

Dated this 23rd day of January, 2020.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:)
) No. 4:06-mc-595-RWS
GEORGE POOLE)

ORDER

This matter is before the Court on George Poole's motion for reconsideration of this Court's denial of his motion for leave to file a civil action. The motion will be denied.

Poole is subject to an *en banc* order of this Court that was entered after the Court determined that he had abused the judicial process by repeatedly filing frivolous and malicious litigation. *See* (ECF No. 1) (hereafter "Order.") The Order enjoins Poole from filing any *pro se* action, whether accompanied by the requisite filing fee or motion for leave to proceed *in forma pauperis*, without first receiving leave of court. The Order specifies that, to seek such leave, Poole must file a proposed complaint alleging that he has been recently subjected to an actionable civil wrong or constitutional deprivation, or that he is about to be subjected to a constitutional deprivation by reason of the threat of an immediate, extraordinary and irreparable physical harm. In addition, the proposed complaint must be supported by affidavits that set forth, clearly and specifically, the facts giving rise to the complaint.

On January 23, 2020, Poole filed a motion seeking leave to file a civil action, along with a proposed complaint purporting to sue Reliable Life Insurance Company. He asserted claims arising under state law, he averred that he lived in Missouri and that the defendant was incorporated in Missouri, and he alleged an amount in controversy below the jurisdictional threshold. Upon review of the proposed complaint, the Court determined Poole should not be

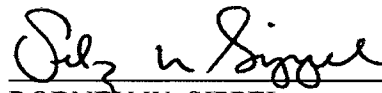
granted leave to file a civil action because the complaint would be subject to dismissal for lack of jurisdiction. The Court entered an order denying Poole's motion.

In the instant motion, Poole seeks reconsideration of that order, arguing that Kemper Insurance Company owns Reliable Life Insurance Company and is incorporated in Illinois. However, Kemper Insurance Company is not the same entity as defendant Reliable Life Insurance Company. Also, as previously stated, Poole alleged an amount in controversy below the jurisdictional threshold.

Accordingly,

IT IS HEREBY ORDERED that George Poole's motion for reconsideration (ECF No. 13) is **DENIED**.

Dated this 12th day of February, 2020.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE