

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-2786

Robert Bell,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	Eastern District of Missouri.
Felicia Curtis, Correctional Officer,	*	
St. Louis City Justice Center; Unknown	*	[UNPUBLISHED]
Garret, Librarian, St. Louis City Justice	*	
Center; Unknown Percy, Correctional	*	
Officer, St. Louis City Justice Center;	*	
J. Miller, Medical Supervisor/Director,	*	
St. Louis City Justice Center; Pat	*	
Schommer, Assistant Commissioner,	*	
St. Louis City Justice Center; Carl	*	
Gilmore, Deputy Superintendent, St.	*	
Louis City Justice Center; Penny	*	
Hubbard, Program Manager, St. Louis	*	
City Justice Center; Phil Robinson,	*	
Unit Manager, St. Louis City Justice	*	
Center; Terry Paine, Correctional	*	
Counselor, St. Louis City Justice	*	
Center; Dora B. Schriro, Commissioner,	*	
St. Louis City Justice Center;	*	
Reginald Moore, Unit Manager, St.	*	
Louis City Justice Center,	*	
	*	
Appellees.	*	

Submitted: February 7, 2008
Filed: February 13, 2008

Before RILEY, MELLOY, and SMITH, Circuit Judges.

PER CURIAM.

Missouri inmate Robert Bell appeals the district court's order denying him leave to proceed in forma pauperis (IFP) in his 42 U.S.C. § 1983 action. See Roberts v. United States Dist. Ct. for N. Dist. of Cal., 339 U.S. 844, 845 (1950) (per curiam) (denial of IFP motion is appealable order). The court's denial of IFP status was based on its finding that Bell had three strikes under 28 U.S.C. § 1915(g). The court also denied leave to proceed IFP on appeal, and Bell has renewed his IFP motion in this court.

We have reviewed the docket sheets and orders in the three cases the district court listed as strikes, see Owens v. Isaac, 487 F.3d 561, 563 (8th Cir. 2007) (per curiam) (reviewing de novo district court's interpretation and application of § 1915(g)), and have determined that Bell had only one strike when the instant lawsuit and appeal were filed, see Campbell v. Davenport Police Dep't, 471 F.3d 952, 952-53 (8th Cir. 2006) (per curiam) (dismissals are counted as strikes only when appeals have been exhausted or waived; § 1915(g) does not apply unless inmate has three strikes at time he files lawsuit or appeal). Accordingly, we grant Bell's motion to proceed IFP in this appeal, and reverse the district court's order denying Bell IFP based on section 1915(g). We deny Bell's motion to stay the appeal.
