

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L. BUESGENS,

Plaintiff,

No. C 08-4061 PJH

v.

DOUGLAS G. HOUSER, et al.,

Defendants.

**ORDER DENYING MOTION FOR  
EXEMPTION FROM PUBLIC ACCESS  
FEES AT PACER**

Before the court is plaintiff's motion for an exemption from PACER fees in this judicial district and "all other jurisdictions." In his motion, plaintiff refers to his application to proceed in forma pauperis (IFP) in this case, and also states, without explanation, that the basis for the request is "[t]o avoid unreasonable burden" and "[t]o promote public access."

"PACER" is the acronym for "Public Access to Court Electronic Records," a service of the United States Judiciary. Using the PACER system, an individual can access public court records and extract information. The Judicial Conference of the United States, the governing body of the federal judiciary, has determined that fees are necessary to reimburse expenses incurred by the judiciary in providing electronic public access to court records. See 28 U.S.C. § 1914, Advisory Committee Notes.

It is Judicial Conference policy that courts "may, upon a showing of cause," exempt indigents and certain other specified entities and individuals from payment of those fees.

Id. "Courts must find that parties . . . seeking exemption have demonstrated that an

1 exemption is necessary in order to avoid unreasonable burdens and to promote public  
2 access to information.” Id.

3 The court finds that the motion must be DENIED. First, on November 10, 2008, the  
4 court dismissed the complaint for failure to state a claim, pursuant to 28 U.S.C § 1915, and  
5 has not yet ruled on plaintiff’s IFP request. Thus, there has been no determination that  
6 plaintiff is indigent. If plaintiff desires free access to the electronic docket, it is available at  
7 the Clerk's Office.

8 Second, plaintiff has not established good cause for the request. Pro se litigants are  
9 required to file documents with the court in paper form, and the court and any defendants in  
10 the case will serve plaintiff with copies of all filed documents. The Judicial Conference has  
11 made clear that “[e]xemptions should be granted as the exception, not the rule. Id. As for  
12 plaintiff’s request for an exemption from fees “in this jurisdiction” and “in all other  
13 jurisdictions,” the court notes that an exemption applies “only to access related to the case  
14 or purpose for which it was given.” Id.

15  
16 **IT IS SO ORDERED.**

17 Dated: November 14, 2008



---

18 PHYLLIS J. HAMILTON  
19 United States District Judge  
20  
21  
22  
23  
24  
25  
26  
27  
28