

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

TABBATHA JOHNSON

CIVIL ACTION

VERSUS

NO. 16-422-SDD-RLB

EAST BATON ROUGE
SCHOOL SYSTEM

ORDER

Before the Court is Plaintiff's request "to access Pacer free of charge" ("Motion"). (R. Doc. 49).

Plaintiff is proceeding *pro se* and *in forma pauperis*. (R. Doc. 3). This is an employment discrimination in which Plaintiff alleges that her former employer, East Baton Rouge School System, violated the Americans with Disabilities Amendments Act.

Plaintiff has previously sought free access to information pursuant to a federal statute allowing indigent habeas petitioners to seek, without costs, copies of certain documents filed in their cases:

If on any application for a writ of habeas corpus an order has been made permitting the petitioner to prosecute the application *in forma pauperis*, the clerk of any court of the United States shall furnish to the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending.

28 U.S.C. § 2250. To the extent Plaintiff is again seeking relief pursuant to 28 U.S.C. § 2250, the Court denies the relief requested on the basis that this is an employment discrimination action and Plaintiff is not a habeas petitioner seeking relief with regard to a criminal conviction. (*See* R. Doc. 34).

The Court will presume that Plaintiff is seeking relief pursuant to the Judicial Conference Schedule of Fees, Electronic Public Access Fee Schedule (“Fee Schedule”).¹ Paragraphs 1-7 of the Fee Schedule detail the Fees for Public Access to Court Electronic Records (PACER), Fees for Courthouse Electronic Access, and PACER Service Center Fees. Paragraph 8 of the Fee Schedule details certain situations in which users are allowed free access to information, including a parties’ receipt of one free electronic copy of all documents filed electronically “if receipt is required by law or directed by the filer,” access to judicial opinions, and the viewing of case information or documents “at courthouse public access terminals.”

To the extent Plaintiff desires to avail herself of the ability to receive one free copy of all documents filed electronically in this case, she simply needs to complete the Pro Se E-Service & E-Notice Consent Form (see attached). This will provide Plaintiff the ability to print out and/or save any document filed in her case by any party or the Court. Should Plaintiff desire access to Pacer without limitation, there are public access terminals available in the Clerk’s office for this specific purposes. Plaintiff may also print any documents for a nominal per page fee.

To the extent that Plaintiff is instead seeking unfettered access to every case on Pacer without limitation or payment of fees, from locations other than the public access terminal, that request is denied. Paragraph 9 of the Fee Schedule provides that “Courts may exempt certain persons from payment of the user access fee [if] those seeking an exemption have demonstrated that an exception is necessary in order to avoid unreasonable burdens and to promote public access to information.”

Plaintiff does not submit any information in support of a finding that the Court should award her an exception from any fees regarding access to information on PACER. It is unclear whether

¹ The Judicial Conference Schedule of Fees, Electronic Public Access Fee Schedule, *reprinted in* 28 U.S.C. § 1914, was issued in accordance with 28 U.S.C. §§ 1913, 1914, 1926, 1930, and 1932, with an effective date of April 1, 2007.

Plaintiff has attempted to view case information or documents at the public access terminal in the Clerk's Office, which is available during courthouse business hours at no charge. Plaintiff has not demonstrated that an exemption to fees charged for printing documents from PACER, or access to case information or documents outside of the public access terminal, is required to avoid unreasonable burden to Plaintiff.

Based on the foregoing,

IT IS ORDERED that Plaintiff's Motion (R. Doc. 49) is **DENIED**.

Signed in Baton Rouge, Louisiana, on October 10, 2017.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

**U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

PRO SE

E-SERVICE & E-NOTICE CONSENT FORM

In accordance with the provisions of F.R.Civ.P.5(b)(2)(D), I understand that service will be given to me by electronic means to the primary e-mail address listed below. I agree to waive the provisions of F.R.Civ.P.77(d) and F.R.Crim.P.49(c) providing service of notice of the entry of an order or judgment by mail and consent that such notice may be served by electronic means. I understand that this electronic service and notice will be in lieu of notice by mail in any case in which this capability exists.

I understand it is my responsibility to provide the Clerk's Office with a primary electronic mail address and to notify the Clerk's Office immediately if this primary electronic mail address changes.

I understand that electronic mail filter software (SPAM filter) may interfere with receipt of email from the Clerk's Office, and I have verified that any such software installed on my computer or network will not filter out messages sent from enoticing@lamd.uscourts.gov.

	Please TYPE the following information or use the FILL-IN form on the court's website at www.lamd.uscourts.gov/cmecf
Name:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone #:	
Fax #:	
Primary Email Address For E-SERVICE and E-NOTICE:	

Signature

Date

FAX signed form to 225-389-3550 (no cover sheet required)