

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Akosua Aaebo-Akhan v. Kwesi Akhan, et al.

No. 25-2500-JWB (D. Kan. Jan. 15, 2026) · No. 25-2500-JWB · Decided January 16, 2026

SUMMARY

The District of Kansas overruled Plaintiff Akosua Aaebo-Akhan’s objection to a magistrate judge’s denial of her request for an exemption from PACER fees. The court held that she had not shown the magistrate judge’s decision was clearly erroneous or contrary to law, and that arguments raised for the first time in the objection were waived.

CASE DETAILS

|                       |                                                                                                                                                                                                                           |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Kansas                                                                                                                                                                   |
| WRITING FOR THE COURT | John W. Broomes                                                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the District of Kansas                                                                                                                                                                   |
| DECIDED               | January 16, 2026                                                                                                                                                                                                          |
| DOCKET                | 25-2500-JWB                                                                                                                                                                                                               |
| DISPOSITION           | other                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Plaintiff objected under Federal Rule of Civil Procedure 72(a) to a magistrate judge's order denying her motion for an exemption from PACER fees. The district court overruled the objection.                             |
| STANDARD OF REVIEW    | Under Federal Rule of Civil Procedure 72(a), the district judge must modify or set aside a portion of a magistrate judge's order on a non-dispositive pretrial matter only if it is clearly erroneous or contrary to law. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                               |
| PARTIES               | Akosua Aaebo-Akhan v. Kwesi Akhan, et al.                                                                                                                                                                                 |

TOPICS

- civil procedure
- costs
- due process

PRACTICE AREAS

- civil procedure
- constitutional law

## QUESTIONS PRESENTED

1. Whether the magistrate judge's denial of Plaintiff's request for a PACER fee exemption was clearly erroneous or contrary to law under Federal Rule of Civil Procedure 72(a).
2. Whether Plaintiff's argument that she lacked access to documents because a third party retained them was waived because it was raised for the first time in her objection.
3. Whether Plaintiff's in forma pauperis status alone required a PACER fee exemption.

## HOLDINGS

1. The denial was not clearly erroneous or contrary to law because Plaintiff failed to identify a qualifying error in the magistrate judge's decision.
2. A litigant's in forma pauperis status, standing alone, does not require the court to grant a PACER fee exemption.
3. Plaintiff waived the argument that she lacked documents because a third party retained them by failing to present that argument to the magistrate judge.

## KEY QUOTATIONS

*“When a non-dispositive pretrial matter is ruled upon by a magistrate judge and a timely and specific objection to the ruling is made, the district judge is required to “modify or set aside any part of the order that is clearly erroneous or is contrary to law.””*

*“Plaintiff’s status as in forma pauperis, alone, is not sufficient for the court to grant an exemption.”*

*“In sum, Plaintiff’s objection fails to establish clear error in Magistrate Judge Mitchell’s decision.”*

## FACTUAL BACKGROUND

Plaintiff was proceeding pro se and in forma pauperis and had registered for electronic notification of filings. She sought a PACER fee exemption to conduct purported case-law research and to access and store electronic copies of filings because she was homeless and unable to carry documents. The record showed that filings had been mailed to her address before November 2025 and provided by email thereafter, and her initial motion did not state that a third party retained earlier documents.

## PROCEDURAL HISTORY

Plaintiff, proceeding pro se and in forma pauperis, requested a PACER fee waiver to access and electronically store documents filed in the case. Magistrate Judge Angel Mitchell denied the motion, explaining that Plaintiff received one free access to documents sent by email and could request mailed paper copies. The district court reviewed Plaintiff's timely objection and overruled it.

## DISPOSITION

other

## CASES CITED

- United States v. Pinson, 584 F.3d 972, 975 (10th Cir. 2009)
- Whitney v. New Mexico, 113 F.3d 1170, 1173-74 (10th Cir. 1997)
- Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996)
- United States v. Garfinkle, 261 F.3d 1030, 1030-31 (10th Cir. 2001)
- Crump v. Johnson Cnty. Bd. of Comm'rs, No. 5:24-CV-03046-JAR-RES, 2025 WL 2550216, at \*1-2 (D. Kan. May 29, 2025)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS AKOSUA AAEBO-AKHAN, Plaintiff, v. Case No. 25-2500-JWB KWESI AKHAN, et al., Defendants. MEMORANDUM AND ORDER This matter is before the court on Plaintiff's objection to Magistrate Judge Angel Mitchell's order denying a motion for an exemption from Pacer fees. (Doc. 29.) Plaintiff's objection is **OVERRULED** for the reasons stated herein.

Plaintiff is proceeding pro se and in forma pauperis in this matter. Plaintiff registered as a pro se participant for electronic notification of documents filed in this matter. (Doc. 19.) As a registered pro se participant, Plaintiff receives an email with a link to any documents or orders filed in her cases. Plaintiff is allowed one free access to view a document filed upon receipt of the email with the link to the document.

When the document is viewed, Plaintiff may save the document and/or print it. After being provided one free view, Pacer charges 10 cents per page to view the document again, subject to certain caps. Further, Plaintiff may freely access documents on Pacer at the courthouse. Plaintiff filed a motion to request a Pacer fee waiver so that she could "perform case law research regarding related cases to fully and properly litigate pro se." (Doc.

24 at 1.) Plaintiff stated that she is homeless and cannot carry documents with her so she must be able to access and store documents electronically. Plaintiff requested that she be granted a fee waiver so she would not incur additional fees to view documents. Magistrate Judge Mitchell denied Plaintiff's motion stating that Plaintiff gets one free look and that she may download the document at that time.

(Doc. 27.) Further, Pacer is not used for case law research. If Plaintiff wanted paper copies mailed to her, Plaintiff could file a motion requesting that any future filings be mailed. (Id.) Plaintiff filed an objection to Magistrate Judge Mitchell's order arguing that the denial amounts to judicial misconduct and violates Plaintiff's Fifth Amendment rights.

(Doc. 29.) Plaintiff further asserts that she does not have copies of any documents filed in her case, including her own filings, prior to November 19, 2025, because those documents were filed by a social worker at the DC Department of Behavioral Health where she was previously admitted.

Because Plaintiff is proceeding pro se, the court is to liberally construe her filings. *United States v. Pinson*, 584 F.3d 972, 975 (10th Cir. 2009). However, liberally construing filings does not mean supplying additional factual allegations or constructing a legal theory on her behalf. *Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir. 1997). When a non-dispositive pretrial matter is ruled upon by a magistrate judge and a timely and specific objection to the ruling is made, the district judge is required to “modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed.

R. Civ. P. 72(a). Further, “[i]ssues raised for the first time in objections to the magistrate judge's recommendation are deemed waived.” *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996); see also *United States v. Garfinkle*, 261 F.3d 1030, 1030-31 (10th Cir. 2001) (“In this circuit, theories raised for the first time in objections to the magistrate judge's report are deemed waived.”) Here, Plaintiff fails to identify how Magistrate Judge Mitchell’s decision was clearly erroneous or contrary to law.

Pacer is not utilized for research, rather it is an electronic record of the court’s docket. Further, Pacer users must pay fees for documents. A Pacer user may, however, request to be exempt from paying fees to access documents. See Electronic Public Access Fee Schedule, Effective January 1, 2020 (“Fee Schedule”), available at <https://www.uscourts.gov/court-programs/fees/electronic-public-access-fee-schedule>.

Plaintiff’s status as in forma pauperis, alone, is not sufficient for the court to grant an exemption. See *Crump v. Johnson Cnty. Bd. of Comm’s*, No. 5:24-CV-03046-JAR-RES, 2025 WL 2550216, at \*1–2 (D. Kan. May 29, 2025). Rather, the court must find that Plaintiff “demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.” *Id.* (citing to the Fee Schedule).

Plaintiff’s motion before the magistrate judge merely referenced her in forma pauperis status and stated that she lacked the ability to carry a number of documents and that she must be able to access the filed documents. (Doc. 24.) Plaintiff’s initial motion did not meet her burden for an exemption given that the record clearly reflects that Plaintiff was provided with the filings by mail to her address of record prior to November 2025 and, after that point, the documents were provided by email.

Notably, Plaintiff did not assert that she lacked documents due to the retention of those documents by a third party and that was the reason Plaintiff was seeking an exemption. Therefore, that argument is waived as she failed to present it to the magistrate judge.

In sum, Plaintiff’s objection fails to establish clear error in Magistrate Judge Mitchell’s decision. Plaintiff’s objection (Doc. 29) is therefore OVERRULED. IT IS SO ORDERED. Dated this 15th

day of January 2026. \_\_\_\_s/ John Broomes \_\_\_\_\_ JOHN W. BROOMES CHIEF  
UNITED STATES DISTRICT JUDGE

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