

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, FORT MYERS DIVISION

**Thomas Pepe v. Christopher Decosta, et ano**

2:25-cv-536-JES-NPM · No. 2:25-cv-536-JES-NPM · Decided January 30, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied pro se plaintiff Thomas Pepe's construed motion for permission to file papers through the CM/ECF system. The court held that he had not shown the extenuating circumstances, corroboration, and litigation-history information required to justify an exception to ordinary filing procedures.

CASE DETAILS

|                       |                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Fort Myers Division    |
| WRITING FOR THE COURT | Nicholas P. Le                                                                          |
| JURISDICTION          | United States District Court for the Middle District of Florida, Fort Myers Division    |
| DECIDED               | January 30, 2026                                                                        |
| DOCKET                | 2:25-cv-536-JES-NPM                                                                     |
| DISPOSITION           | other                                                                                   |
| PROCEDURAL POSTURE    | Pro se plaintiff moved for permission to file papers through the court's CM/ECF system. |
| PRECEDENTIAL VALUE    | unpublished district court order                                                        |
| PARTIES               | Thomas Pepe v. Christopher DeCosta, et ano                                              |

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

electronic filing

QUESTIONS PRESENTED

1. What showing must a pro se litigant make to obtain permission to file papers through the court's CM/ECF system?
2. Whether Pepe demonstrated circumstances sufficient to justify waiving the court's ordinary CM/ECF procedures.

#### **HOLDINGS**

1. A pro se litigant seeking permission to use CM/ECF must show extenuating circumstances justifying waiver of the ordinary filing procedures, including, at minimum, extraordinarily difficult financial and physical barriers to filing by mail, a verified request corroborated by affidavits, and evidence addressing any misuse of the judicial system.
2. Pepe's construed motion for CM/ECF access was denied because he failed to meet the required standard.

#### **KEY QUOTATIONS**

*“So, to present a colorable request for CM/ECF access, a pro se litigant must show that “extenuating circumstances exist to justify waiving CM/ECF procedures.”” (at 1)*

*“For failing to meet this standard, the construed motion for CM/ECF access (Doc. 36) is DENIED.” (at 2)*

#### **FACTUAL BACKGROUND**

Thomas Pepe is proceeding pro se and requested permission to file papers through the court's CM/ECF system. The court explained that CM/ECF access is generally restricted because the system contains confidential and sensitive information, and that pro se litigants ordinarily litigate by mail. Pepe did not establish the extraordinary financial and physical barriers, provide the required verification and corroborating affidavits, or demonstrate the absence of misuse of the judicial system required for access.

#### **PROCEDURAL HISTORY**

In this federal civil action, plaintiff Thomas Pepe requested access to CM/ECF for filing papers. The district court construed the request as a motion for CM/ECF access and denied it because plaintiff did not satisfy the required showing.

#### **DISPOSITION**

other

#### **CASES CITED**

- Huminski v. Vermont, No. 2:13-cv-692-FTM-29, 2014 WL 169848, \*4 (M.D. Fla. Jan. 15, 2014)
- McMahon v. Cleveland Clinic Found. Police Dep't, 455 F. App'x 874, 878 (11th Cir. 2011)

#### **OPINION**

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS  
DIVISION THOMAS PEPE, Plaintiff, v. 2:25-cv-536-JES-NPM CHRISTOPHER DECOSTA, et

ano, Defendants. ORDER Pro se plaintiff Thomas Pepe requests permission to file papers via our CM/ECF system. But the system contains confidential and other sensitive information, and so access is generally restricted.

See Administrative Procedures for Electronic Filing (Aug. 1, 2025) for the United States District Court, Middle District of Florida. Even incarcerated or civilly committed pro se parties routinely litigate their matters by mail. So, to present a colorable request for CM/ECF access, a pro se litigant must show that “extenuating circumstances exist to justify waiving CM/ECF procedures.” *Huminski v. Vermont*, No. 2:13-cv-692-FTM-29, 2014 WL 169848, \*4 (M.D.

Fla. Jan. 15, 2014); see also *McMahon v. Cleveland Clinic Found. Police Dep’t*, 455 F. App’x 874, 878 (11th Cir. 2011) (affirming denial of CM/ECF access for pro se litigant because there was “no good cause under the circumstances of the case to authorize his access”). At a minimum, this would include both financial and physical barriers that make it extraordinarily difficult to acquire postage and submit envelopes to a mail carrier, and to otherwise deliver papers to the court.

The request would need to be verified (submitted under oath) and corroborated by affidavits from medical and other sources. Moreover, the applicant would need to demonstrate the absence of misuse of the judicial system by (1) identifying every state and federal case to which he or she is or was a pro se party; and (2) discussing the absence or presence of any adverse orders in those cases that dismissed any frivolous claims, dismissed any actions for failure to prosecute or to abide by court orders, or imposed any sanctions for such conduct such as a screening procedure before items would be accepted for filing.

For failing to meet this standard, the construed motion for CM/ECF access (Doc. 36) is DENIED. ORDERED on January 30, 2026 NICHOLAS P. LE United States Magistrate Judge -2-