

**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

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-