

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Akosua Aaebo-Akhan v. Sarah Connell, et al.

Aaebo-Akhan · No. 25-2502-JWB · Decided January 28, 2026

SUMMARY

The United States District Court for the District of Kansas denied Plaintiff Akosua Aaebo-Akhan’s request for reconsideration of an order upholding the denial of her motion for exemption from PACER fees. The court concluded that Plaintiff’s arguments were waived because they were not presented to the magistrate judge initially and found no basis to reconsider its prior decision; it also declined to construe the filing as a notice of appeal.

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 28, 2026
DOCKET	25-2502-JWB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought reconsideration of the court's order overruling her objection to a magistrate judge's denial of her request for an exemption from PACER fees.
STANDARD OF REVIEW	Clear-error review of the magistrate judge's decision; reconsideration was denied because Plaintiff identified no basis showing that the district court's prior ruling was erroneous.
PRECEDENTIAL VALUE	nonprecedential district court memorandum and order
PARTIES	Akosua Aaebo-Akhan v. Sarah Connell, et al.

TOPICS

- motion for reconsideration
- waiver
- appellate jurisdiction
- final judgment rule
- appellate procedure

PRACTICE AREAS

- Civil procedure
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should reconsider its order overruling Plaintiff's objection to the denial of a PACER-fee exemption when Plaintiff relied on arguments not presented to the magistrate judge.
2. Whether Plaintiff's request for reconsideration and notice of appeal should be construed as a notice of appeal to the Tenth Circuit.

HOLDINGS

1. Arguments not presented to the magistrate judge and raised for the first time in an objection are waived; therefore, the district court's prior ruling was not erroneous.
2. The filing was not construed as a notice of appeal to the Tenth Circuit because Plaintiff did not indicate that she was appealing to that court and the order subject to reconsideration was not a final appealable order.

KEY QUOTATIONS

“Issues raised for the first time in objections to the magistrate judge's recommendation are deemed waived.”
(at 2)

FACTUAL BACKGROUND

Plaintiff requested an exemption from PACER fees, stating that she was homeless and could not carry physical documents. In her objection and request for reconsideration, she asserted that she lacked copies of pleadings and orders filed before November 19, 2025 because of actions by a third party. The district court found that this argument had not been raised in her original fee-exemption motion.

PROCEDURAL HISTORY

A magistrate judge denied Plaintiff's motion for an exemption from PACER fees. The district court overruled Plaintiff's objection on January 15, 2026, concluding that arguments raised in the objection had not been presented to the magistrate judge and were waived, and that Plaintiff had not shown clear error. Plaintiff then filed a request for reconsideration and notice of appeal. The district court denied reconsideration and declined to construe the filing as a notice of appeal because the challenged order was not final and appealable.

DISPOSITION

other

CASES CITED

- Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996)

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