

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PRECEDENTIAL VALUE	nonprecedential district court memorandum and order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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS AKOSUA
AAEBO-AKHAN, Plaintiff, v. Case No. 25-2502-JWB SARAH CONNELL, et al., Defendants.

MEMORANDUM AND ORDER This matter is before the court on Plaintiff's request for reconsideration. (Doc. 19.)

On January 15, 2026, this court entered an order overruling Plaintiff's objection to Magistrate Judge Angel Mitchell's order denying a motion for an exemption from Pacer fees. (Doc. 18.) The court held that Plaintiff's arguments raised in her objection were not presented to Magistrate Judge Mitchell and, therefore, waived.

The court further held that Plaintiff failed to show clear error in the decision. Plaintiff filed a document titled "Request for Reconsideration & Notice of Appeal."¹ (Doc. 19.) Plaintiff's request for reconsideration asserts that she has been prejudiced by the decision to deny her request to be exempt from Pacer fees because she does not have a copy of any pleadings she drafted or orders filed prior to November 19, 2025 due to actions by a third party.

(Id. at 1.) This document appears to be identical to the objection that was ruled on by the court. (Compare Docs. 17 and 19.) As previously noted by this court, Plaintiff's argument in her objection was not raised in her original motion for exemption of fees. Rather, Plaintiff merely asked to be exempt ¹ Although Plaintiff states that this motion is also an appeal, Plaintiff did not indicate that she was appealing to the Tenth Circuit Court of Appeals.

Further, the order which she seeks reconsideration of is not a final appealable order. Therefore, the court does not construe the motion for reconsideration as a notice of appeal to the court of appeals. from paying Pacer fees and stated that she could not carry physical documents because she is homeless.

In her objection and request for reconsideration, Plaintiff asks this court to find that decision was erroneous due to arguments that were never raised at the outset. As the Tenth Circuit has previously held, "[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). Therefore, this court's decision upholding the ruling was not erroneous. Plaintiff offers no basis for this court to reconsider its decision. Plaintiff's request for reconsideration is denied. IT IS SO ORDERED. Dated this 28th day of January, 2026. ____s/ John W. Broomes _____ JOHN W. BROOMES CHIEF UNITED STATES DISTRICT JUDGE