

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Aaron C. Timberlake v. Palm Beach County Sheriff's Office et al.

Timberlake · No. 26-CV-60221-STRAUSS · Decided February 26, 2026

SUMMARY

The United States District Court for the Southern District of Florida denied without prejudice Aaron C. Timberlake’s motion for an exemption from PACER fees. The court held that proceeding in forma pauperis and the plaintiff’s stated need to monitor this and related cases did not establish that a PACER-fee exemption was necessary to avoid an unreasonable burden and promote public access to information.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 26, 2026
DOCKET	26-CV-60221-STRAUSS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an exemption from PACER fees after receiving leave to proceed in forma pauperis.
STANDARD OF REVIEW	The court applied the standard governing discretionary PACER fee exemptions under the Judicial Conference fee schedule: the applicant must show that the exemption is necessary to avoid unreasonable burdens and promote public access to information.
PRECEDENTIAL VALUE	Unpublished district-court order; generally nonprecedential.
PARTIES	Aaron C. Timberlake v. Palm Beach County Sheriff's Office et al.

TOPICS

- civil procedure
- public records
- open government

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff established that a discretionary exemption from PACER fees was necessary to avoid an unreasonable burden and promote public access to information.

HOLDINGS

1. In forma pauperis status alone does not entitle a litigant to an exemption from PACER fees, and Plaintiff failed to show that the exemptions already available to him were inadequate or that a discretionary exemption was necessary to avoid an unreasonable burden and promote public access to information.

KEY QUOTATIONS

“For an exemption from PACER fees, Plaintiff must show ‘an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.’”

“An exemption is the exception rather than the rule.”

“in forma pauperis status alone does not support a request to waive PACER fees.”

FACTUAL BACKGROUND

Plaintiff was proceeding in forma pauperis and sought exemption from PACER fees so he could monitor this case and review related federal cases. He asserted that he lacked access to subscription-based legal research services. The court noted that Plaintiff had access to existing PACER exemptions, including one free copy of documents filed in the case, judicial opinions, and courthouse public-access terminals.

PROCEDURAL HISTORY

Plaintiff filed a motion seeking exemption from PACER fees to access documents in this and related federal cases. The court denied the motion without prejudice, allowing Plaintiff to refile upon showing that an exemption is necessary to avoid an unreasonable burden and promote public access to information.

DISPOSITION

other

CASES CITED

- McWhorter v. Transunion LLC, No. 121CV01753SDGLTW, 2021 WL 12137720, at *1 (N.D. Ga. Dec. 9, 2021)
- Hatcher v. G-P Wood & Fiber Supply, LLC, Case No. 3:07-CV-080-JTC, 2008 WL 11343393, at *1 (N.D. Ga. Feb. 6, 2008)
- Rigby v. Cap. One Fin. Corp., No. 24-CV-98, 2025 WL 556426, at *1 (M.D. Fla. Feb. 19, 2025)
- Schultz v. Lewis, No. 23-CV-04132, 2024 WL 1560149, at *4 (N.D. Ga. Feb. 13, 2024), report and recommendation adopted, 2024 WL 1589512 (N.D. Ga. Mar. 4, 2024)

OPINION

Timberlake

PER CURIAM.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-CV-60221-STRAUSS

AARON C. TIMBERLAKE,

Plaintiff, v.

PALM BEACH COUNTY SHERIFF'S OFFICE et al.,

Defendants. _____/

ORDER ON PLAINTIFF'S MOTION FOR EXEMPTION FROM PACER FEES

THIS MATTER came before the Court upon Plaintiff's Motion for Exemption from PACER Fees [DE 18] (the "Motion"). In the Motion, Plaintiff asks for an exemption from PACER fees so that he can access documents reasonably necessary for him to litigate his case. [DE 18] at

2. Plaintiff notes that the Court previously granted Plaintiff leave to proceed in forma pauperis.

Id. Plaintiff also notes that he must rely on PACER to monitor the docket in this case and review dockets of related federal cases to help him litigate his claims, as he does not have access to subscription-based search engines for legal research. Id. "For an exemption from PACER fees, Plaintiff must show 'an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.'" *McWhorter v. Transunion LLC*, No. 121CV01753SDGLTW, 2021 WL 12137720, at *1 (N.D. Ga. Dec. 9, 2021) (emphasis added) (quoting 28 U.S.C. § 1914 (Judicial Conference Schedule of Fees, Electronic Public Access Fee Schedule, 9. Discretionary Fee Exemptions)). An exemption is the exception rather than the rule. Id. (citing *Hatcher v. G-P Wood & Fiber Supply, LLC*, Case No. 3:07-CV-080-JTC, 2008 WL 11343393, at *1 (N.D. Ga. Feb. 6, 2008)). "[I]n forma pauperis status alone does not support a request to waive PACER fees." *Rigby v. Cap. One Fin. Corp.*, No. 24-CV-98, 2025 WL 556426, at *1 (M.D. Fla. Feb. 19, 2025) (citation omitted). Moreover, "the PACER fee schedule already contains generous automatic fee exemptions." *Schultz v. Lewis*, No. 23-CV-04132, 2024 WL 1560149, at *4 (N.D. Ga. Feb. 13, 2024), report and recommendation adopted, 2024 WL 1589512 (N.D. Ga. Mar. 4, 2024). For example, Plaintiff is entitled to one free copy of all documents filed in this case, can access any judicial opinion, and has free access to PACER at the courthouse's public access terminal. See id. (citing 28 U.S.C. § 1914 (Judicial Conference Schedule of Fees, Electronic Public Access Fee Schedule, 8. Automatic Fee Exemptions)). Here, Plaintiff has not established an entitlement to an exemption from PACER fees. Although Plaintiff is proceeding in forma pauperis, that status is not enough to grant the Motion. Moreover, the Court expressly stated that it was granting Plaintiff's motion to proceed in forma pauperis "even though the Court would not consider Plaintiff to be 'absolutely destitute'... ." [DE 5] at 4 (citation omitted). None of the other reasons mentioned by Plaintiff in the Motion establish why the exemptions already available to Plaintiff are insufficient to avoid an unreasonable burden on him. Therefore, the Motion will be

denied without prejudice, and Plaintiff may refile the Motion upon showing how an exemption from PACER fees is necessary to both alleviate an unreasonable burden and promote public access to information. Any re-filing should address why the currently available exemptions are inadequate. For the foregoing reasons, it is ORDERED and ADJUDGED that Plaintiffs Motion [DE 18] is DENIED WITHOUT PREJUDICE. DONE AND ORDERED in Fort Lauderdale, Florida, this 26th day of February 2026. United States Magistrate Judge