

**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.

OPINION

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 Plaintiffs 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