

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ANDREW SEARCY, JR.,
Petitioner,

v.

DEPARTMENT OF AGRICULTURE,
Respondent.

2013-3175

Petition for review from the Merit Systems Protection Board in No. AT4324120759-I-1.

ON MOTION

Before RADER, *Chief Judge.*

ORDER

Andrew Searcy, Jr. (“Searcy”) applies for an exemption from the user fees associated with electronic access to court records.

The Public Access to Court Electronic Records (“PACER”) system allows users to view and print case filings, judicial opinions, and other docket information from the federal trial, bankruptcy, and appellate courts. A small fee is ordinarily required to search and print such

documents, but the Electronic Public Access Fee Schedule (“Schedule”) carves out a narrow exception to that rule, allowing courts discretion to exempt certain persons or classes of persons from payment.

The Schedule makes clear, however, that “[c]ourts should not . . . exempt individuals and groups that have the ability to pay the statutorily established access fee.” Accordingly, a movant seeking a fee waiver must demonstrate that the exemption “is necessary in order to avoid unreasonable burdens and to promote public access to information.” Based on the papers submitted, the court is unable to say that Searcy has met this standard as he has not demonstrated the inability to pay the fee. Thus, this court must deny his request.

Accordingly,

IT IS ORDERED THAT:

The application for an exemption from the fees for accessing documents on PACER is denied.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk