

United States Court of Appeals for the Fifth Circuit

ORDER
General Docket No. 2022-3

IN RE:
APPLICATION FOR EXEMPTION FROM THE ELECTRONIC PUBLIC
ACCESS FEES BY
HALLAM TUCK

This matter is before the Court upon the application and request by Hallam Tuck for exemption from the fees imposed by the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts.

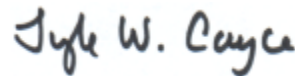
The Court finds that Hallam Tuck, an individual researcher associated with an educational institution, falls within the class of users listed in the fee schedule as being eligible for a fee exemption. Mr. Tuck has shown that the defined research project is intended for scholarly research that is limited in scope and not intended for redistribution on the internet or for commercial purposes. Additionally, Mr. Tuck has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. Accordingly, Mr. Tuck shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this court, to the extent such use is incurred in the course of researching prisoner lawsuits filed in Criminal Alien Requirement (CAR) prisons, a subset of outsourced, all-foreign prison facilities established in 1999 by the Clinton Administration (these facilities are also frequently referred to as 'contract prisons' by the Federal Bureau of Prisons). Specifically, Mr. Tuck's research project examines how men in CAR prisons understand, negotiate, and contest their confinement. He uses records from prisoner lawsuits publicly available via PACER to analyze how men in CAR facilities understand, negotiate and contest outsourced, all-foreign confinement. He has narrowed the scope of his request to prisoner litigation cases filed by men in contract prison custody within the US Federal Bureau of Prisons, and motions for compassionate release filed by prisoners with the courts where they were sentenced. The ultimate goal of the research is to publish multiple

manuscripts that will be submitted for publication in academic journals. Mr. Tuck shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this court. Additionally, the following limitations apply:

- I. this fee exemption applies only to Mr. Tuck, and is valid only for the purposes stated above;
- II. this fee exemption applies only to the electronic case files of this court that are available through the PACER system;
- III. by accepting this exemption, Mr. Tuck agrees not to sell for profit any data obtained as a result of receiving this exemption;
- IV. Mr. Tuck is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via internet-based databases;
- V. this exemption is valid until January 1, 2024.

This exemption may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

Dated this 4th day of August 2022.



LYLE W. CAYCE
Clerk of Court

BY DIRECTION



Certified as a true copy and issued
as the mandate on Aug 04, 2022

Attest: 
Clerk, U.S. Court of Appeals, Fifth Circuit