

United States Court of Appeals for the Fifth Circuit

ORDER
General Docket No. 2022-5

IN RE:
APPLICATION FOR EXEMPTION FROM THE ELECTRONIC PUBLIC
ACCESS FEES BY
KENTA TSUDA

This matter is before the Court upon the application and request by Kenta Tsuda 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 Kenta Tsuda, 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. Tsuda 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. Tsuda has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. Accordingly, Mr. Tsuda 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 pursuing a thesis addressing the development of the National Environmental Policy Act (NEPA) regime in the United States. Specifically, Mr. Tsuda's research project will entail close examination of agency practice under the Act in the context of NEPA lawsuits in the federal courts. In addition to studying judicial opinions from the federal appellate and district courts, his research project will involve study of NEPA litigants' arguments and the administrative records upon which litigants make arguments and upon which courts adjudicate and evaluate these arguments. The ultimate goal of the research is to publish multiple manuscripts that will be submitted for publication in academic journals. Mr. Tsuda 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. Tsuda, 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. Tsuda agrees not to sell for profit any data obtained as a result of receiving this exemption;
- IV. Mr. Tsuda 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 July 31, 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 29th day of November 2022.



LYLE W. CAYCE
Clerk of Court

BY DIRECTION