

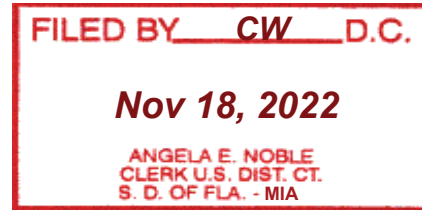
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2022-97

IN RE:

EXEMPTION OF FEES TO ACCESS PACER  
FOR KENTA TSUDA

---



The United States District Court for the Southern District of Florida maintains case information online with the Public Access to Court Electronic Records (PACER) website. The Court desires to encourage the public's use of the database, continue to promote public access, and avoid unreasonable burdens on both users and court staff in retrieving data.

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. Additionally, Mr. Tsuda has demonstrated that an exemption is necessary to avoid unreasonable burdens and to promote public access to information. Therefore, it is

**ORDERED AND ADJUDGED** that Kenta Tsuda is 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 his research, the development of the National Environmental Policy Act (NEPA, 42 U.S.C. §§ 4321 *et seq.*) regime in the United States. He requires access to NEPA litigants' arguments (i.e., briefs) and the administrative records upon which litigants make arguments and upon which courts adjudicate and evaluate these arguments. Specifically, he is examining three areas of NEPA caselaw:

(1) Cases in which the federal courts issued holdings on NEPA conflict of interest rules (i.e., the cause of action concerns interpretation of CEQ implementing regulation 40 CFR § 1506.5);


(2) Cases in which the federal courts have issued holdings on agency “mitigated FONSI” decisions under NEPA (consistent with 40 CFR § 1501.6(c)); and

(3) Cases concerning agency defendants’ “point of irreversible and irretrievable commitment” under NEPA (per 40 CFR § 1502.16) – a line of cases arising out of the Ninth Circuit’s decision in *Conner v. Burford*, 848 F.2d 1441 (9th Cir 1988). 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:

1. this fee exemption applies only to Kenta Tsuda and is valid only for the purposes stated above;
2. this fee exemption applies only to the electronic case files of this Court that are available through the PACER system;
3. by accepting this exemption, Mr. Tsuda agrees not to sell for profit any data obtained as a result of receiving this exemption;
4. Mr. Tsuda is prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via internet-based databases; and
5. this exemption is valid November 14, 2022, through July 31, 2024.

This exemption may be revoked at the discretion of the Court at any time. The Clerk of Court for the United States District Court for the Southern District of Florida shall provide the PACER Service Center with any detailed information the Center may require to implement this Order.

**DONE AND ORDERED** in Miami, Florida, this 18th day of November 2022.

  
\_\_\_\_\_  
**CECILIA M. ALTONAGA**  
**CHIEF UNITED STATES DISTRICT JUDGE**

Copies furnished as follows:  
See attached

c: Angela E. Noble, Court Administrator · Clerk of Court  
Todd McGhie, Chief Deputy Clerk · Administration  
PACER Service Center  
Michelle Gardner, Attorney Advisor, Multi-Court Exemptions, Administrative Office  
of the U.S. Courts