
Background: Plaintiff is a *pro se* litigant in this court
Problem: Permission for non-attorney eFiling is by Court order only
Request: The Court grants Plaintiff permission to eFile Court papers

Local Rule 5.1 USFLND | Form of Documents | highlights added

"(E) Signature Block for a Pro Se Party. A document filed by a pro se party must include a signature block with the party's handwritten signature, typed or printed name, street address, email address if the party has one, and telephone number if the party has one. But the signature may be electronic if an administrative rule or court order allows the party to file the document electronically."

Precedence

- 6:07-cv-06247-DGL-JWF - USNYWD (3/23/10)
- 3:20-cv-00905-MMH-JRK - USFLND (11/6/20)
- 21-10847-HH - USCA11 (3/23/21)

Federal courts have granted similar requests

Abbreviations:

DOAH - Division of Administrative Hearings (Florida)
JCUS - Judicial Conference of the United States
USCA11 - US Court of Appeals, 11th Circuit
USFLMD - US District Court, Florida, Middle District
USFLND - US District Court, Florida, Northern District
USNYWD - US District Court, New York, Western District

MOTION

I. Relevant History

1. PACER (Public Access to Court Electronic Records) is a third-party service of the federal Judiciary; funded through user fees set by JCUS. It houses case dockets for federal district courts (including USFLND).
2. USFLND's relationship with PACER forbids electronic filing from non-attorney participants.
3. On-or-around January 31, 2021, Plaintiff initiated this lawsuit against Defendant within the Tallahassee division of USFLND. He did so as a self-represented litigant.
4. Pursuant to Local Rule 5.1(E), *pro se* litigants may be permitted use of PACER's electronic filing apparatus with a Court order.

II. Standard for Review

5. Although directly relating to PACER fees (instead of PACER eFiling), JCUS created a standard that courts can use when reviewing requests for leave to utilize PACER in an acceptable manner (emphasis added):

"that those seeking an exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information... the user receiving the exemption must agree not to sell [or transfer] the data obtained... the exemption should be granted for a definite period of time [and] should be limited in scope."

- JCUS | USCourts.gov^{1/}

6. In short, Plaintiff must show that:

- (a) granting eFiling is necessary to avoid unreasonable burdens;
- (b) granting eFiling will promote public access to information;
- (c) he will not sell/transfer the functionality obtained; and
- (d) functionality will only be needed for a specific time period.

7. Plaintiff can satisfy all four items, as follows.

III. Analysis

Quell an Unreasonable Burden

8. Plaintiff contends that USFLND's current eFiling prohibition is too costly (and thus unreasonable) for Plaintiff's set of circumstances.

9. For starters, printing & shipping court papers is time consuming and costly.

[1] Plaintiff's printer cartridges cost \$48 per 600 sheets

[2] Plaintiff's printing paper costs \$11 per 600 sheets

- i. \$6 per 500 white sheets; and
- ii. \$5 per 100 color sheets)

[3] Plaintiff's weight-based shipping costs come to \$2 per 10 pages

- i. \$1 for the material
- ii. \$1 for the stamps

[4] Plaintiff's repair & replacement policy equals \$50 per event

[5] Plaintiff's printing & shipping accommodations require two (2) hours of work

- i. 0.50 hours printing; and
- ii. 1.50 hours shipping

10. Secondly, the post office transit times hamper Plaintiff's litigative effectiveness.

[1] Plaintiff loses 3-5 days for postal receipt of docketed filings

[2] Plaintiff **must allocate** 5 days for postal delivery of his papers

[3] Rule 6 Fed. R. Civ. P. only amends 3 of those days

[4] So, out of the 17 days this Court allows for requisite responses, Plaintiff only enjoys 7-12 of them.

11. Altogether, filing-by-mail would equate to \$586 in excess money spent, 695 excess hours used, and 1563 potential days lost (please see Exhibit A). Amounts that operate as deterrents to justice. Especially considering how similarly-situated litigants-with-lawyers expend none of this.

12. With these factors in tow, Plaintiff states that it would be unreasonable to require him - an aggrieved party - to suffer the detriments of having to file-by-mail. As such, Plaintiff asserts that he has satisfied the first prong in the 4-part test for eFiling.

Promote Public Access to Public Information

13. Plaintiff avers that leave to eFile at PACER would (a) enhance public access; and (b) benefit all participants of this civil action.

14. For starters, Plaintiff - a taxpaying US resident - is a member of the public. And as a member of the public Plaintiff is accorded the right to petition the government for redress (1st Amendment US Constitution).

15. With the current prohibition on eFiling, however, Plaintiff is not enjoying equal access to justice (shades of the 14th Amendment, US Constitution).

16. In several ways, this Court would benefit from a more-responsive version of Plaintiff. For one, it would probably experience a reduced workload on account of better motions/responses/notices. Plus, this Court's involvement in discovery disputes would likely decrease if Plaintiff's abilities were more rapid. And, of course, the record [and potential appellate proceeding] would be much cleaner without the potential snafus from woebegone deliveries (see Tobin v Taylor, 4:20-cv-00292-MW-HTC).

17. Defendant - as Plaintiff contends - would enjoy these same benefits.

18. In short, eFiling would promote public access and benefit all case participants. Thus, Plaintiff has satisfied the 2nd prong in the 4-part test for electronic filing.

Not for Sale

19. Plaintiff will neither sell nor transfer any of the functionality obtained by the electronic filing apparatus (please see Affidavit). He will only need eFiling for functional reasons. Prong three satisfied.

Specific Purpose

20. Plaintiff only needs PACER's eFiling portal for the duration of his case. He defines that period like this:

[1] Starting Date = Now (ie, March 2021)

[2] Ending Date = [a], [b], or [c] (whichever is later)

[a] = the end of the immediate case {USFLND}

[b] = the end of the appellate case {11th Circuit}

[c] = the end of the supreme court case {US Supreme Court}

21. Therefore, Plaintiff has satisfied the fourth prong in the four-prong test for eFiling.

IV. Designated Email Address

22.If approved, Plaintiff would like this Court to designate the following email address for receipt of all electronic case filings:

Justice.Actuarial@gmail.com

V. Summary

23.In all, this Court has good reason to grant Plaintiff permission to electronically file his court documents because (a) it will alleviate him of an unreasonable burden; (b) it will serve the greater good; (c) it will be used properly; and (d) it will only be needed for the duration of Plaintiff's case.

CONFERRAL

Given the current posture of this lawsuit - in which Defendant has yet to be summoned - Plaintiff has not been able to gauge opposition to this request. Nevertheless, he suspects Defendant would agree since eFiling would be a boon to all parties (please see ¶13-18, *supra*)

CONCLUSION

WHEREFORE, Plaintiff respectfully asks this Court to enter an Order Granting Plaintiff Leave to Utilize Electronic Filing.

Dated this 31st day of March 2021.

Respectfully submitted,

ELIAS MAKERE, FSA, MAAA, Plaintiff
3709 San Pablo Rd. S # 701
Jacksonville, FL 32224
P: (904) 294-0026
E: justice.actuarial@gmail.com
W: TextBookDiscrimination.com
Get **Booked Up** on Justice!

CERTIFICATE OF COMPLIANCE

I certify that the size and style of type used in this document is Times New Roman 14-point Font (caption) and Courier New (contents); thus complying with the font requirements of Local Rule 5.1(C) USFLND.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March 2021, I mailed the foregoing (via USPS) to the Clerk of Courts. Who will docket this paper for public use.

Elias Makere (3/31/21)

Endnotes:

^{1/} source = <https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule>

Electronic Copy: <http://www.TextBookDiscrimination.Com/Pages/Misc/ALJPerjury/>

SERVICE LIST

Elias Makere, FSA, MAAA

P: 904.294.0026

E: Justice.Actuarial@gmail.com

W: TextBookDiscrimination.com

Get **Booked Up** on Justice!

3709 San Pablo Rd S #701

Jacksonville, FL 32224

(plaintiff)

EXHIBIT A

Plaintiff's Rough Estimate of Expenses for Printing & Shipping

Author: Plaintiff

3/31/2021

ESTIMATED FINANCIAL COST TO PRINT & SHIP AN ENTIRE CASELOAD

\$586

please see "Calculation A"

ESTIMATED TIME EXPENDITURE FOR PRINTING & SHIPPING AN ENTIRE CASELOAD

695 Hours

please see "Calculation B"

ESTIMATED PROSECUTORIAL DAYS LOST PRINTING & SHIPPING AN ENTIRE CASELOAD

1,563 Potential Days

please see "Calculation C"

CALCULATION A**\$586**

C	p	F	R
\$179	0.329	9.94	\$586

WHERE:

C = Printing & Shipping costs (per 600 sheets) (USD)

$$\underline{\$179} = \$48 + \$11 + \$120 \text{ (ink + paper + postage) (see ¶9, supra)}$$

p = proportion of work load anticipated

$$\underline{0.329} = 5.65 \times 34.95 \div 600.00$$

Where:

$$5.65 = \text{average document size}^1$$

$$34.95 = \text{average caseload}^2$$

$$600.00 = \text{sheet load (see ¶9, supra)}$$

F = plaintiff's endurance factor

"endurance factor" ≈ the force in which the litigant proceeds

$$\underline{9.94} = 19.88 \times 0.50$$

Where:

$$19.88 = \text{endurance multiplier}$$

$$19.88 = 543.00 \div 27.31$$

Where:

$$543.00 = \text{Plaintiff's last case}$$

$$27.31 = \text{typical caseload of similar cases}^3$$

$$0.50 = \text{conservative assumption for instant case's zest}$$

R = final result

$$\text{Final Calculation: } \$179.00 \times 0.329 \times 9.94 = \mathbf{\$586}$$

Footnotes

¹ 5.65 = Average Page Count {source: random selection of 100 previously downloaded records from DOAH (civil rights cases only)}

² 34.95 = Average Caseload = average number of docket entries in a case {source: full selection of USNYWD's freely available docket (§1983 cases only)}

³ 27.31 = Typical Caseload = average number of docket entries in a case {source: full selection of DOAH's freely available docket (civil rights cases only)}

CALCULATION B**695 hours**

T	W	F	R
2	34.95	9.94	695

WHERE:

T = Printing & Shipping time expenditure (per docket entry) (in hours)

2 = 0.50 + 1.50 (printing time + shipping time) (see ¶9, *supra*)

W = work load anticipated

34.95 = average caseload²

F = plaintiff's endurance factor

"endurance factor" ≈ the force in which the litigant proceeds

9.94 = 19.88 x 0.50

Where:

19.88 = endurance multiplier

19.88 = 543.00 ÷ 27.31

Where:

543.00 = Plaintiff's last case

27.31 = typical caseload of similar cases³

0.50 = conservative assumption for instant case's zest

R = final result

Final Calculation: 2.00 x 34.95 x 9.94 = **695**

Footnotes

² 34.95 = Average Caseload = average number of docket entries in a case {source: full selection of USNYWD's freely available docket (§1983 cases only)}

³ 27.31 = Typical Caseload = average number of docket entries in a case {source: full selection of DOAH's freely available docket (civil rights cases only)}

CALCULATION C**1,563 days**

D	F	R
157	9.94	1,563

WHERE:

D = Potential^{oo} Days lost in a case

$$\underline{157} = 4.50 \times 34.95 \text{ (median days lost times avg caseload)}$$

$$4.50 = \text{median days lost} = (2+7) \div 2$$

2 = minimum days lost (ie, 14 - 12; see ¶10[4] *supra*)7 = maximum days lost (ie, 14 - 7; see ¶10[4] *supra*)

$$34.95 = \text{average caseload}^2$$

F = plaintiff's endurance factor

"endurance factor" \approx the force in which the litigant proceeds

$$\underline{9.94} = 19.88 \times 0.50$$

Where:

$$19.88 = \text{endurance multiplier}$$

$$19.88 = 543.00 \div 27.31$$

Where:

$$543.00 = \text{Plaintiff's last case}$$

$$27.31 = \text{typical caseload of similar cases}^3$$

$$0.50 = \text{conservative assumption for instant case's zest}$$

R = final result

$$\text{Final Calculation: } 157.00 \times 9.94 = \mathbf{1,563}$$

Footnotes

² 34.95 = Average Caseload = average number of docket entries in a case {source: full selection of USNYWD's freely available docket (§1983 cases only)}

³ 27.31 = Typical Caseload = average number of docket entries in a case {source: full selection of DOAH's freely available docket (civil rights cases only)}

^{oo} Potential Days will often run concurrent (ie, when deadlines share many of the same calendar dates) (ex: Deadline A = 1/1/21 and Deadline B = 1/2/21 while Today = 12/24/20; so, most of the "potential days" will be double-counted; the impact of the lost days, of course, will still be felt)

Analysis Limitations

- Money. Plaintiff pulled this data from government sources which did not require financial payment. A better calculation would come from analyzing only USFLMD's §1983 cases. Which would cost thousands of dollars; and be prohibitive. If done, however, Plaintiff has reason to believe that Calculation A and Calculation B would yield larger numbers.
- Time. Calculation C should have a factor for overlapped deadlines. Such a factor would need additional data; data that would take too much time to mine. If done, however, Plaintiff has reason to believe that Calculation C would yield a smaller number.

note: these are not actuarial calculations; and this is not actuarial advice. This analysis is for the sole purpose of supporting the time-constrained civil case motion that it is attached to.

Verification Under Oath Pursuant to 28 USC §1746

I declare under penalty of perjury that the foregoing analysis is true and correct. Executed this 31st day of March 2021.

UNITED STATES OF AMERICA



3/31/2021

Elias Makere, Plaintiff

PLAINTIFF'S AFFIDAVIT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA, TALLAHASSEE DIVISION

ELIAS MAKERE, FSA, MAAA)	Case No (LT)
Plaintiff)	4:21-cv-00096-MW-MAF
)	
v.)	
)	
HON. E. GARY EARLY, ALJ)	
Defendant)	

**PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S MOTION FOR LEAVE TO
UTILIZE ELECTRONIC FILING**

The affiant, Elias Makere, swears or affirms as follows:

Background

1. I am over the age of eighteen (18).
2. I am a plaintiff in the above-captioned case.
3. This affidavit is made in good faith.

Familiarity

4. I have read the Federal Rules of Civil Procedure, the Local Rules of Court (USFLND), USCA11's eFiling handbook; USFLMD's eFiling handbook, and many other rules & regulations pertinent to civil litigation in federal court.
5. I've gone through PACER's online tutorial; and have used PACER's demo site extensively.
6. I also have experience with PACER's eFiling apparatus; as I've used it in a federal appeal (USCA11).

Sworn Statements

7. I believe USFLND's eFiling prohibition places an unreasonable burden on me.
8. I need permission to eFile to alleviate that burden.
9. I believe eFiling will promote public access of information.
10. I will not sell any of the obtained records or eFiling functionality.
11. I will not transfer any of the obtained records or eFiling functionality.
12. I only need eFiling access until the end of my civil dispute with the Honorable E. Gary Early (after exhaustion of all trial and appellate remedies). At which point I will resume my *regularly scheduled programming*.

Declarations

13. I declare that all of my sworn statements are true.
14. I understand that a false statement may result in termination of my eFiling access.

Request

15. May you please grant me permission to electronically file court documents at USFLND? Thank you.

Verification Under Oath Pursuant to 28 USC §1746

I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of March 2021.

UNITED STATES OF AMERICA



3/31/2021

Elias Makere, Plaintiff
