

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, ORLANDO DIVISION

**Abigail Hope Hengerer v. Commissioner of Social Security**

Hengerer · No. 6:25-cv-01382-DCI · Decided January 16, 2026

SUMMARY

The United States District Court for the Middle District of Florida granted in part an unopposed motion for attorney fees and costs under the Equal Access to Justice Act. The court awarded \$9,802.00 in attorney fees and \$405.00 in costs, but denied requests for direct payment to counsel and \$12.00 in paralegal fees for electronic filing.

CASE DETAILS

|                       |                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Orlando Division                                                                                                         |
| WRITING FOR THE COURT | Daniel C. Irick                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the Middle District of Florida                                                                                                                           |
| DECIDED               | January 16, 2026                                                                                                                                                                          |
| DOCKET                | 6:25-cv-01382-DCI                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Plaintiff moved under the Equal Access to Justice Act for attorney fees, costs, paralegal fees, and an order directing payment of the award to her counsel. The motion was unopposed.     |
| STANDARD OF REVIEW    | The court evaluated whether the requested EAJA amounts were recoverable and reasonable and whether Plaintiff had established entitlement to direct payment under the Anti-Assignment Act. |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                          |
| PARTIES               | Abigail Hope Hengerer v. Commissioner of Social Security                                                                                                                                  |

TOPICS

[attorney fees](#) [costs](#) [administrative law](#) [civil procedure](#)

PRACTICE AREAS

[social security](#) [attorney fees](#) [equal access to justice act](#) [federal civil procedure](#)

## QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to recover the requested attorney fees and costs under the EAJA.
2. Whether the court could direct payment of the EAJA award directly to Plaintiff's counsel when Plaintiff had not shown that the assignment complied with the Anti-Assignment Act.
3. Whether Plaintiff was entitled to recover paralegal time for electronically filing a memorandum of law through CM/ECF.

## HOLDINGS

1. The requested attorney fees of \$9,802.00 and costs of \$405.00 were recoverable and reasonable under the EAJA.
2. The request for an order authorizing direct payment of the EAJA award to Plaintiff's counsel was denied because Plaintiff failed to demonstrate that her assignment complied with the Anti-Assignment Act.
3. The request for \$12.00 in paralegal fees was denied because the motion did not establish that the fees were appropriate or reasonable, and electronic filing through CM/ECF was a ministerial, nonlegal task included in attorney overhead rather than compensable paralegal legal work.

## KEY QUOTATIONS

*“The electronic filing of a document via the Court’s CM/ECF system is the kind of ministerial, non-legal, overhead task that is captured within a lawyer’s hourly rate.”*

*“Nor does it appear reasonable that seven to 12 minutes of billable time are required to make a single e-filing.”*

## FACTUAL BACKGROUND

Plaintiff sought an EAJA award of \$9,802.00 in attorney fees, \$405.00 in costs, and \$12.00 in paralegal fees. She also requested an order authorizing payment of the award directly to her counsel based on an assignment. The paralegal charge was for filing a memorandum of law electronically through CM/ECF, and the motion did not explain why the charge was appropriate or reasonable.

## PROCEDURAL HISTORY

After the Social Security litigation reached the district court, Plaintiff filed an unopposed motion for EAJA fees and costs. The court awarded \$9,802.00 in attorney fees and \$405.00 in costs, but denied payment directly to counsel and denied the \$12.00 paralegal-fee request.

## DISPOSITION

other

## CASES CITED

- *Crumbly v. Colvin*, 2014 WL 6388569, at \*4-5 (M.D. Ga. Nov. 14, 2014)

- Huntley v. Comm’r of Soc. Sec., Case No. 6:12-cv-613-Orl-37TBS, 2013 WL 5970717, at \*5 (M.D. Fla. Nov. 8, 2013)
- Colegrove v. Barnhart, 435 F. Supp. 2d 218, 220 (W.D.N.Y. 2006)
- Stewart v. Sullivan, 810 F. Supp. 1102, 1109 (D. Haw. 1993)
- Cross v. Comm’r of Soc. Sec. Admin., 2020 WL 9810009, at \*3 (N.D. Ga. Sept. 29, 2020)
- Fox v. The Marquis Corp., 2010 WL 1010871, at \*7 (S.D. Fla. Mar. 15, 2010)
- In re Bicoastal Corp., 121 B.R. 653, 655 (Bankr. M.D. Fla. 1990)
- Smith v. Richard's Restoration, Inc., 2006 WL 3898182, at \*1 (M.D. Fla. Jan. 8, 2006)

## OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION ABIGAIL HOPE HENGERER, Plaintiff, v. Case No: 6:25-cv-01382-DCI COMMISSIONER OF SOCIAL SECURITY, Defendant. ORDER Plaintiff has filed an unopposed motion seeking an award of attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Doc. 20 (the Motion).

In the Motion, Plaintiff requests an award of attorney fees in the amount of \$9,802.00, costs in the amount of \$405.00, paralegal fees in the amount of \$12.00, and an order authorizing payment of that award directly to Plaintiff’s counsel. Upon consideration and absent any objection from the Commissioner, the Court finds that the amounts Plaintiff seeks in attorney fees and costs under the EAJA are recoverable and reasonable.

Thus, the Court finds that the Motion is due to be granted to the extent that it requests an award of attorney fees in the amount of \$9,802.00 and costs in the amount of \$405.00. See 28 U.S.C. § 2412(a), (d)(1)(A). The Motion, however, is due to be denied to the extent that it requests an order authorizing payment of the EAJA award to Plaintiff’s counsel because Plaintiff has failed to demonstrate that her assignment complies with the Anti-Assignment Act, 31 U.S.C. § 3727(b).

See *Crumbley v. Colvin*, 2014 WL 6388569, at \*4-5 (M.D. Ga. Nov. 14, 2014); *Huntley v. Comm’r of Soc. Sec.*, Case No. 6:12-cv-613-Orl-37TBS, 2013 WL 5970717, at \*5 (M.D. Fla. Nov. 8, 2013).<sup>1</sup> Further, the Motion is due to be denied to the extent it requests paralegal fees in the amount of \$12.00.

First the Motion entirely fails to address the appropriateness or reasonableness of the paralegal fees requested, which is cause alone to deny the request. Further, the only explanation for the paralegal fee request appears at Doc. 20-1 at 19, where the request is itemized as “10/13/25 Paralegal filing of the Memorandum of Law by cm/ecf.2.” The only legal support cited for the specific request appears to be parentheticals in a string citation to a 2006 case from the Southern District of New York and a 1993 case from the District of Hawaii.

Doc. 20-1 at 17. While paralegal work may—as a general matter—be awarded under the EAJA, the New York and Hawaii cases cited by Plaintiff are neither binding nor persuasive on the specific issue before the Court; neither address whether an award for paralegal time is appropriate for the electronic filing of a document via CM/ECF. See *Colegrove v. Barnhart*, 435 F. Supp. 2d 218, 220 (W.D.N.Y.

2006) (awarding without discussing in detail paralegal fees); *Stewart v. Sullivan*, 810 F. Supp. 1102, 1109 (D. Haw. 1993) (awarding paralegal fees, but noting that, “the Ninth Circuit has held that paralegal rates are not applicable to time spent doing purely ministerial tasks”).

The electronic filing of a document via the Court’s CM/ECF system is the kind of ministerial, non-legal, overhead task that is captured within a lawyer’s hourly rate. See, e.g., *Cross v. Comm’r of Soc. Sec. Admin.*, 2020 WL 9810009, at \*3 (N.D. Ga. Sept. 29, 2020) (“A claimant is not entitled to compensation for clerical work, ‘regardless of who performs [it].’ While, paralegal time is recoverable if the paralegal is ‘perform[ing] work traditionally done by an 1 The government, though, may exercise its discretion to honor the Assignment if it determines that Plaintiff does not owe a debt to the government. attorney.” e-filing is not compensable as a legal service.” (internal citations omitted); *Fox v. The Marquis Corp.*, 2010 WL 1010871, at \*7 (S.D.

Fla. Mar. 15, 2010) (“A court may award fees for the work of paralegals, but ‘only to the extent that [they] perform work traditionally done by an attorney.’”) (citations omitted); *re Bicoastal Corp.*, 121 B.R. 653, 655 (Bankr. M.D. Fla. 1990) (“This Court did not award fees to Brown & Wood for services that were purely clerical or secretarial. This is so because first, they are not legal services rendered by an attorney, but most importantly, they are subsumed in the hourly rate of the attorney and clearly part of the overall overhead, i.e., cost of operation of Brown & Wood.

Similarly, no compensation was allowed for paralegals performing clerical functions such as organizing files, copying documents, checking the docket, updating files, checking court dates and delivering papers.”) (citation omitted); *Smith v. Richard’s Restoration, Inc.*, 2006 WL 3898182, at \*1 (M.D. Fla. Jan. 8, 2006) (“[E]-filing is not a legal service, but is a ministerial matter, akin to mailing a letter or sending a facsimile.”).

Nor does it appear reasonable that seven to 12 minutes of billable time are required to make a single e- filing. Accordingly, the request for recovery of paralegal time is denied. Accordingly, it is ORDERED that: 1.

The Motion (Doc. 20) is GRANTED to the extent that Plaintiff is awarded attorney fees in the amount of \$9,802.00 and costs in the amount of \$405.00 pursuant to the EAJA; and 2. The Motion (Doc. 20) is DENIED in all other respects. ORDERED in Orlando, Florida on January 16, 2026.  
DANIEL C. IRICK UNITED STATES MAGISTRATE JUDGE

