

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, MARSHALL DIVISION**

Michelle J. Corley v. Commissioner, Social Security Administration

Corley · No. 2:25-cv-0662-JRG-RSP · Decided March 23, 2026

SUMMARY

The United States District Court for the Eastern District of Texas granted Petitioner Michelle J. Corley’s unopposed motion for attorney fees and costs under the Equal Access to Justice Act. The Court ordered payment of \$9,225.00, consisting of \$8,820.00 in attorney fees and \$405.00 in costs, payable to the petitioner through her counsel.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION MICHELLE J. CORLEY § § Petitioner, § § v. § Case No. 2:25-cv-0662-
JRG-RSP § COMMISSIONER, SOCIAL SECURITY § ADMINISTRATION, § § Defendant. §
MEMORANDUM ORDER Currently before the Court is the Plaintiff’s Unopposed Motion for
Attorney Fees Pursuant to the Equal Access to Justice Act (Dkt.

No. 12), filed by Petitioner on December 26, 2025. The motion seeks compensation of \$8,820.00
for attorney fees, with costs of \$405.00, for the filing fee. The Commissioner has advised
Petitioner’s counsel that he does not oppose the requested award of fees and costs.

The Equal Access to Justice Act (EAJA), 28 U.S.C. §2412, allows a prevailing party in litigation
against the United States, including a petitioner for Social Security benefits, to recover his
attorney’s fees “unless the court finds that the position of the United States was substantially
justified or that special circumstances make an award unjust.” Id. at §2412 (d)(1)(a).

The Supreme Court has explained that “EAJA fees are determined not by a percent of the amount
recovered, but by the ‘time expended’ and the attorney’s ‘hourly rate,’” which is statutorily
capped. *Gisbrecht v. Barnhart*, 535 U.S. 789, 794, 122 S.Ct. 1817, 152 L.Ed.2d 996 (2002). See
generally, *Murkeldove v. Astrue*, 635 F.3d 784, 789 (5th Cir. 2011).

The Commissioner does not contend, nor does the Court find, that the position of the government
was substantially justified or that any special circumstances exist rendering an award unjust. The
Court finds that Petitioner’s requested fee is not unreasonable and has been agreed to by the
Commissioner.

Accordingly, IT IS ORDERED that Defendant shall pay Petitioner \$9,225.00 in EAJA fees and
costs. In accordance with the Supreme Court’s decision in *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010),

this award will be payable to Petitioner, by delivery to her counsel of record, David F Chermol, Chermol & Fishman, LLC, 11450 Bustleton Avenue, Philadelphia, PA 19116. SIGNED this 20th day of March, 2026.

9. Voy 3 Vey UNITED STATES MAGISTRATE JUDGE -2-

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