

United States Court of Appeals for the Fifth Circuit

No. 25-60243

United States Court of Appeals

Fifth Circuit

FILED

February 10, 2026

DEVIN P. CHERRY,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

FRANK BISIGNANO, *Commissioner of Social Security Administration,*

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:23-CV-91

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Devin Cherry appeals the Commissioner's denial of his Social Security benefits. He argues that new evidence submitted to the Appeals Council warranted remand to the administrative law judge ("ALJ"); that the ALJ exceeded within her discretion by denying Cherry's request for a consultative examination; and that the ALJ failed to consider whether Cherry could maintain employment for a significant period of time. We review the

* This opinion is not designated for publication. *See 5TH CIR. R. 47.5.*

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Commissioner's decision for substantial evidence. *Webster v. Kijakazi*, 19 F.4th 715, 718 (5th Cir. 2021). Cherry has failed to identify reversible error.

AFFIRMED.