

Table B-5A.

U.S. Courts of Appeals—Appeals Terminated by Procedural Judgments, by Circuit, During the 12-Month Period Ending September 30, 2008

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 *	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42 *	Default	Other
ALL CIRCUITS	59,096	27,344	183	11,929	3,654	608	44	-	5,391	2,232	15,232	6,699	7,117	1,416
CRIMINAL	13,720	3,341	19	908	405	172	2	-	-	329	2,414	1,635	602	177
U.S. PRISONER PETITIONS	4,767	3,418	2	2,126	270	25	5	-	1,726	100	1,290	275	972	43
OTHER U.S. CIVIL	2,926	1,131	12	286	175	33	8	-	-	70	833	418	381	34
PRIV. PRISONER PETITIONS	10,843	8,035	3	4,883	961	8	16	-	3,665	233	3,149	471	2,595	83
OTHER PRIVATE CIVIL	11,841	5,123	131	1,285	758	280	10	-	-	237	3,707	2,342	1,243	122
BANKRUPTCY	827	356	8	95	57	13	2	-	-	23	253	165	66	22
ADMINISTRATIVE APPEALS	10,512	4,685	8	1,629	1,028	77	1	-	-	523	3,048	1,393	1,258	397
ORIGINAL PROCEEDINGS	3,660	1,255	-	717	-	-	-	-	-	717	538	-	-	538
DISTRICT OF COLUMBIA	1,285	516	6	155	72	31	3	-	19	30	355	196	79	80
CRIMINAL	147	66	1	6	5	-	-	-	-	1	59	50	1	8
U.S. PRISONER PETITIONS	168	81	-	44	9	11	2	-	19	3	37	4	28	5
OTHER U.S. CIVIL	247	72	-	16	8	1	-	-	-	7	56	35	17	4
PRIV. PRISONER PETITIONS	24	18	-	4	3	-	-	-	-	1	14	4	5	5
OTHER PRIVATE CIVIL	169	58	1	15	11	1	1	-	-	2	42	22	18	2
BANKRUPTCY	1	-	-	-	-	-	-	-	-	-	-	-	-	-
ADMINISTRATIVE APPEALS	437	193	4	59	36	18	-	-	-	5	130	81	10	39
ORIGINAL PROCEEDINGS	92	28	-	11	-	-	-	-	-	11	17	-	-	17
FIRST CIRCUIT	1,776	706	1	197	57	3	2	-	101	34	508	338	163	7
CRIMINAL	611	168	-	12	6	1	-	-	-	5	156	130	26	-
U.S. PRISONER PETITIONS	120	83	-	52	4	-	-	-	47	1	31	16	14	1
OTHER U.S. CIVIL	91	41	-	6	4	-	-	-	-	2	35	22	13	-
PRIV. PRISONER PETITIONS	167	116	-	64	9	-	-	-	54	1	52	18	32	2
OTHER PRIVATE CIVIL	477	222	1	32	26	-	-	-	-	6	189	130	58	1
BANKRUPTCY	26	9	-	5	3	-	2	-	-	-	4	3	1	-
ADMINISTRATIVE APPEALS	224	61	-	22	5	2	-	-	-	15	39	19	19	1
ORIGINAL PROCEEDINGS	60	6	-	4	-	-	-	-	-	4	2	-	-	2
SECOND CIRCUIT	6,434	3,223	40	1,176	41	28	-	-	332	775	2,007	1,103	671	233
CRIMINAL	1,182	341	9	105	3	-	-	-	-	102	227	93	64	70
U.S. PRISONER PETITIONS	259	217	1	127	6	1	-	-	76	44	89	5	78	6
OTHER U.S. CIVIL	220	122	2	34	2	4	-	-	-	28	86	40	43	3
PRIV. PRISONER PETITIONS	797	676	2	435	14	-	-	-	256	165	239	9	212	18
OTHER PRIVATE CIVIL	1,244	636	23	141	14	2	-	-	-	125	472	301	145	26
BANKRUPTCY	118	64	1	19	-	2	-	-	-	17	44	38	-	6
ADMINISTRATIVE APPEALS	2,384	1,107	2	297	2	19	-	-	-	276	808	617	129	62
ORIGINAL PROCEEDINGS	230	60	-	18	-	-	-	-	-	18	42	-	-	42

Table B-5A. (September 30, 2008—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 *	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42 *	Default	Other
THIRD CIRCUIT	3,990	1,657	5	706	272	13	1	-	371	49	946	438	454	54
CRIMINAL	772	162	-	57	47	2	-	-	-	8	105	99	6	-
U.S. PRISONER PETITIONS	340	179	-	114	19	2	-	-	88	5	65	13	51	1
OTHER U.S. CIVIL	166	50	-	20	16	3	-	-	-	1	30	14	16	-
PRIV. PRISONER PETITIONS	758	574	-	337	47	1	1	-	283	5	237	11	222	4
OTHER PRIVATE CIVIL	936	393	4	84	75	3	-	-	-	6	305	229	71	5
BANKRUPTCY	83	44	-	11	11	-	-	-	-	-	33	26	6	1
ADMINISTRATIVE APPEALS	740	218	1	81	57	2	-	-	-	22	136	46	82	8
ORIGINAL PROCEEDINGS	195	37	-	2	-	-	-	-	-	2	35	-	-	35
FOURTH CIRCUIT	4,671	1,924	8	824	143	13	1	-	606	61	1,092	450	577	65
CRIMINAL	1,230	234	2	47	19	4	-	-	-	24	185	171	9	5
U.S. PRISONER PETITIONS	820	511	-	350	30	-	-	-	315	5	161	49	103	9
OTHER U.S. CIVIL	197	55	-	8	7	-	-	-	-	1	47	21	25	1
PRIV. PRISONER PETITIONS	1,090	747	-	333	36	1	1	-	291	4	414	54	356	4
OTHER PRIVATE CIVIL	686	247	3	43	31	6	-	-	-	6	201	127	64	10
BANKRUPTCY	45	17	3	3	1	1	-	-	-	1	11	9	1	1
ADMINISTRATIVE APPEALS	311	73	-	32	19	1	-	-	-	12	41	19	19	3
ORIGINAL PROCEEDINGS	292	40	-	8	-	-	-	-	-	8	32	-	-	32
FIFTH CIRCUIT	8,086	3,863	-	1,696	617	17	5	-	968	89	2,167	567	1,393	207
CRIMINAL	2,609	594	-	94	33	5	-	-	-	56	500	265	220	15
U.S. PRISONER PETITIONS	571	437	-	253	43	-	-	-	207	3	184	24	153	7
OTHER U.S. CIVIL	338	140	-	47	39	1	5	-	-	2	93	24	66	3
PRIV. PRISONER PETITIONS	2,015	1,622	-	1,005	241	2	-	-	761	1	617	55	553	9
OTHER PRIVATE CIVIL	1,400	545	-	118	104	8	-	-	-	6	427	155	259	13
BANKRUPTCY	122	48	-	6	5	-	-	-	-	1	42	14	21	7
ADMINISTRATIVE APPEALS	578	332	-	170	152	1	-	-	-	17	162	30	121	11
ORIGINAL PROCEEDINGS	453	145	-	3	-	-	-	-	-	3	142	-	-	142
SIXTH CIRCUIT	4,781	2,040	44	956	386	34	7	-	512	17	1,040	463	406	171
CRIMINAL	1,161	332	-	127	113	9	-	-	-	5	205	128	38	39
U.S. PRISONER PETITIONS	337	230	-	172	25	1	-	-	144	2	58	10	46	2
OTHER U.S. CIVIL	205	76	2	18	14	2	1	-	-	1	56	17	31	8
PRIV. PRISONER PETITIONS	967	659	-	495	120	1	3	-	368	3	164	20	128	16
OTHER PRIVATE CIVIL	1,200	508	42	96	77	16	3	-	-	-	370	236	113	21
BANKRUPTCY	61	18	-	4	3	1	-	-	-	-	14	12	1	1
ADMINISTRATIVE APPEALS	449	137	-	43	34	4	-	-	-	5	94	40	49	5
ORIGINAL PROCEEDINGS	401	80	-	1	-	-	-	-	-	1	79	-	-	79

Table B-5A. (September 30, 2008—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 *	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42 *	Default	Other
SEVENTH CIRCUIT	3,281	1,688	2	627	185	13	12	-	254	163	1,059	513	510	36
CRIMINAL	734	194	-	57	38	2	-	-	-	17	137	126	9	2
U.S. PRISONER PETITIONS	461	365	-	175	37	-	3	-	123	12	190	50	136	4
OTHER U.S. CIVIL	166	74	-	18	4	-	2	-	-	12	56	31	23	2
PRIV. PRISONER PETITIONS	610	472	-	190	45	-	1	-	131	13	282	33	246	3
OTHER PRIVATE CIVIL	875	406	1	85	47	8	5	-	-	25	320	230	84	6
BANKRUPTCY	45	16	-	4	2	-	-	-	-	2	12	9	3	-
ADMINISTRATIVE APPEALS	223	82	1	36	12	3	1	-	-	20	45	34	9	2
ORIGINAL PROCEEDINGS	167	79	-	62	-	-	-	-	-	62	17	-	-	17
EIGHTH CIRCUIT	3,103	1,030	9	587	145	54	8	-	355	25	434	256	148	30
CRIMINAL	1,006	163	-	56	32	20	1	-	-	3	107	92	6	9
U.S. PRISONER PETITIONS	258	177	-	160	13	1	-	-	143	3	17	5	11	1
OTHER U.S. CIVIL	155	49	-	7	4	3	-	-	-	-	42	22	18	2
PRIV. PRISONER PETITIONS	570	341	-	266	44	-	6	-	212	4	75	8	67	-
OTHER PRIVATE CIVIL	681	230	8	74	45	24	1	-	-	4	148	115	33	-
BANKRUPTCY	40	11	1	6	3	2	-	-	-	1	4	3	1	-
ADMINISTRATIVE APPEALS	163	41	-	8	4	4	-	-	-	-	33	11	12	10
ORIGINAL PROCEEDINGS	230	18	-	10	-	-	-	-	-	10	8	-	-	8
NINTH CIRCUIT	12,373	6,103	35	2,776	1,107	29	2	-	836	802	3,292	1,758	1,107	427
CRIMINAL	1,806	480	7	103	17	4	1	-	-	81	370	327	18	25
U.S. PRISONER PETITIONS	402	296	1	179	32	1	-	-	131	15	116	55	54	7
OTHER U.S. CIVIL	702	272	5	58	47	4	-	-	-	7	209	149	51	9
PRIV. PRISONER PETITIONS	1,895	1,345	-	960	233	1	1	-	705	20	385	182	183	20
OTHER PRIVATE CIVIL	2,123	910	20	194	135	14	-	-	-	45	696	546	121	29
BANKRUPTCY	157	69	2	12	12	-	-	-	-	-	55	36	17	2
ADMINISTRATIVE APPEALS	4,391	2,160	-	779	631	5	-	-	-	143	1,381	463	663	255
ORIGINAL PROCEEDINGS	897	571	-	491	-	-	-	-	-	491	80	-	-	80
TENTH CIRCUIT	2,385	883	13	389	97	9	3	-	190	90	481	377	59	45
CRIMINAL	662	111	-	33	12	2	-	-	-	19	78	74	1	3
U.S. PRISONER PETITIONS	207	128	-	90	9	1	-	-	75	5	38	31	7	-
OTHER U.S. CIVIL	163	49	-	15	8	-	-	-	-	7	34	30	2	2
PRIV. PRISONER PETITIONS	420	262	1	166	36	-	3	-	115	12	95	53	42	-
OTHER PRIVATE CIVIL	590	215	12	32	23	4	-	-	-	5	171	159	5	7
BANKRUPTCY	52	24	-	7	6	-	-	-	-	1	17	12	1	4
ADMINISTRATIVE APPEALS	94	28	-	9	3	2	-	-	-	4	19	18	1	-
ORIGINAL PROCEEDINGS	197	66	-	37	-	-	-	-	-	37	29	-	-	29

Table B-5A. (September 30, 2008—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 *	Default	CPC Denial	Cert. Appealability	Other	Total	FRAP 42 *	Default	Other
ELEVENTH CIRCUIT	6,931	3,711	20	1,840	532	364	-	-	847	97	1,851	240	1,550	61
CRIMINAL	1,800	496	-	211	80	123	-	-	-	8	285	80	204	1
U.S. PRISONER PETITIONS	824	714	-	410	43	7	-	-	358	2	304	13	291	-
OTHER U.S. CIVIL	276	131	3	39	22	15	-	-	-	2	89	13	76	-
PRIV. PRISONER PETITIONS	1,530	1,203	-	628	133	2	-	-	489	4	575	24	549	2
OTHER PRIVATE CIVIL	1,460	753	16	371	170	194	-	-	-	7	366	92	272	2
BANKRUPTCY	77	36	1	18	11	7	-	-	-	-	17	3	14	-
ADMINISTRATIVE APPEALS	518	253	-	93	73	16	-	-	-	4	160	15	144	1
ORIGINAL PROCEEDINGS	446	125	-	70	-	-	-	-	-	70	55	-	-	55

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. JURIS. DEFECTS = JURISDICTIONAL DEFECTS. CPC = CERTIFICATE OF PROBABLE CAUSE. CERT. APPEALABILITY = CERTIFICATE OF APPEALABILITY. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

* VOLUNTARY DISMISSAL UNDER RULE 42(B), FEDERAL RULES OF APPELLATE PROCEDURE.