

Table B-1A.

U.S. Courts of Appeals—Appeals Commenced, Terminated, and Pending, by Nature of Suit or Offense, in Appeals Arising From the U.S. District Courts During the 12-Month Period Ending September 30, 2008

Nature of Suit or Offense	Cases Pending Oct. 1, 2007 ¹	Cases Commenced			Cases Terminated								Cases Pending Sept. 30, 2008
					Total	Original	Reopened ²	Total	Cases Disposed of by Consolidation	Procedural Terminations			
		Total	By Judge	By Staff						Total	After Oral Hearing	After Submission on Briefs	
TOTAL CASES	35,994	45,121	43,738	1,383	44,097	1,769	20,881	9,488	11,393	21,447	7,703	13,744	37,018
TOTAL CRIMINAL CASES	13,172	13,667	13,279	388	13,720	667	3,322	908	2,414	9,731	2,861	6,870	13,119
TOTAL CIVIL CASES	22,822	31,454	30,459	995	30,377	1,102	17,559	8,580	8,979	11,716	4,842	6,874	23,899
U.S. CASES	5,207	8,100	7,787	313	7,693	184	4,535	2,412	2,123	2,974	848	2,126	5,614
U.S. PLAINTIFF	347	403	390	13	385	24	180	63	117	181	97	84	365
NEGOTIABLE INSTRUMENTS	3	-	-	-	3	-	-	-	-	3	2	1	-
OTHER CONTRACT ACTIONS	15	15	15	-	15	1	5	-	5	9	6	3	15
CONDEMNATION OF LAND	6	6	6	-	6	-	2	2	-	4	2	2	6
OTHER REAL PROP. ACTIONS	20	15	14	1	20	-	11	6	5	9	3	6	15
TORT ACTIONS	5	8	8	-	6	2	2	1	1	2	2	-	7
CIVIL RIGHTS:													
EMPLOYMENT	27	37	36	1	27	1	17	5	12	9	8	1	37
OTHER CIVIL RIGHTS	12	11	11	-	15	-	4	-	4	11	8	3	8
FORFEITURE AND PENALTY	43	71	68	3	56	1	29	6	23	26	12	14	58
FAIR LABOR STAND. ACT	3	5	5	-	2	-	-	-	-	2	2	-	6
OTHER LABOR	4	11	11	-	9	-	7	3	4	2	-	2	6
SECUR., COMMOD., & EXCHG.	58	56	55	1	65	13	26	16	10	26	14	12	49
TAX SUITS	36	68	64	4	55	-	30	7	23	25	8	17	49
ALL OTHER	115	100	97	3	106	6	47	17	30	53	30	23	109
U.S. DEFENDANT	4,860	7,697	7,397	300	7,308	160	4,355	2,349	2,006	2,793	751	2,042	5,249
CONTRACT ACTIONS	49	49	49	-	58	3	18	4	14	37	22	15	40
REAL PROPERTY ACTIONS	42	42	40	2	36	-	9	5	4	27	15	12	48
TORT ACTIONS	168	251	246	5	209	4	99	28	71	106	42	64	210
CIVIL RIGHTS:													
EMPLOYMENT	309	290	274	16	354	10	99	18	81	245	83	162	245
OTHER CIVIL RIGHTS	346	448	423	25	446	16	222	69	153	208	69	139	348
PRISONER PETITIONS:													
MOTIONS TO VACATE SEN.	1,497	2,350	2,236	114	2,536	13	2,200	1,777	423	323	69	254	1,311
HABEAS CORPUS	610	1,127	1,077	50	983	53	458	200	258	472	52	420	754
HABEAS CORPUS-DEATH	4	4	4	-	1	-	1	-	1	-	-	-	7
PRISONER CIVIL RIGHTS	237	611	590	21	583	4	380	48	332	199	9	190	265

Table B-1A. (September 30, 2008—Continued)

Nature of Suit or Offense	Cases Pending Oct. 1, 2007 ¹	Cases Commenced			Cases Terminated									Cases Pending Sept. 30, 2008
		Total	Original	Reopened ²	Total	Cases Disposed of by Consolidation	Procedural Terminations			Terminations on the Merits				
							Total	By Judge	By Staff	Total	After Oral Hearing	After Submission on Briefs		
U.S. DEFENDANT (CONTINUED)														
PRISON CONDITION	95	178	169	9	190	-	122	17	105	68	8	60	83	
OTHER PRIS. PETITIONS	177	916	908	8	474	10	255	84	171	209	9	200	619	
LABOR SUITS	18	24	23	1	20	1	9	4	5	10	4	6	22	
SOCIAL SECURITY LAWS	585	556	545	11	637	4	152	29	123	481	139	342	504	
TAX SUITS	111	121	118	3	109	2	32	8	24	75	43	32	123	
ENVIRONMENTAL MATTERS	160	124	115	9	128	12	53	6	47	63	54	9	156	
FREEDOM OF INFOR. ACT	62	68	64	4	70	2	24	3	21	44	20	24	60	
ALL OTHER	390	538	516	22	474	26	222	49	173	226	113	113	454	
TOTAL PRIVATE CASES	17,615	23,354	22,672	682	22,684	918	13,024	6,168	6,856	8,742	3,994	4,748	18,285	
FEDERAL QUESTION														
MARINE CONTRACT	67	89	87	2	75	8	35	4	31	32	29	3	81	
OTHER CONTRACT ACTIONS	412	431	417	14	440	47	183	34	149	210	135	75	403	
FEDERAL EMPLOYERS														
LIABILITY ACT	18	22	21	1	24	1	14	3	11	9	5	4	16	
MARINE INJURY	62	75	71	4	64	1	28	4	24	35	26	9	73	
OTHER TORT ACTIONS	459	431	412	19	547	79	216	65	151	252	133	119	343	
ANTITRUST	200	122	121	1	154	37	42	11	31	75	62	13	168	
CIVIL RIGHTS:														
EMPLOYMENT	1,630	1,674	1,611	63	1,834	76	721	193	528	1,037	485	552	1,470	
OTHER CIVIL RIGHTS	2,707	3,172	3,068	104	3,158	124	1,375	422	953	1,659	740	919	2,721	
PRISONER PETITIONS:														
HABEAS CORPUS	3,888	6,431	6,241	190	5,914	18	4,963	4,172	791	933	376	557	4,405	
HABEAS CORPUS-DEATH	342	171	161	10	176	15	38	35	3	123	96	27	337	
PRISONER CIVIL RIGHTS	1,666	3,590	3,510	80	3,239	11	2,133	488	1,645	1,095	77	1,018	2,017	
PRISON CONDITION	825	1,380	1,344	36	1,446	13	850	175	675	583	52	531	759	
OTHER PRIS. PETITIONS	35	94	93	1	68	-	48	13	35	20	1	19	61	
LABOR MGMT. RELAT. ACT	132	110	110	-	118	8	41	10	31	69	47	22	124	
OTHER LABOR	696	798	773	25	712	50	295	64	231	367	252	115	782	
CPYRGHT, PATENT, & TRDMRK.	398	454	446	8	408	45	181	45	136	182	128	54	444	
SECUR., COMMOD., & EXCHG.	195	158	157	1	165	9	71	10	61	85	72	13	188	
CONST. OF STATE STATS.	92	87	86	1	90	10	23	7	16	57	35	22	89	
ALL OTHER	1,257	1,383	1,340	43	1,298	99	617	170	447	582	344	238	1,342	

Table B-1A. (September 30, 2008—Continued)

Nature of Suit or Offense	Cases Pending Oct. 1, 2007 ¹	Cases Commenced			Cases Terminated									Cases Pending Sept. 30, 2008
		Total	Original	Reopened ²	Total	Cases Disposed of by Consolidation	Procedural Terminations			Terminations on the Merits				
							Total	By Judge	By Staff	Total	After Oral Hearing	After Submission on Briefs		
DIVERSITY OF CITIZENSHIP	2,529	2,681	2,602	79	2,750	267	1,148	243	905	1,335	898	437	2,460	
INSURANCE	594	612	598	14	615	53	235	46	189	327	232	95	591	
OTHER CONTRACT ACTIONS	1,053	1,165	1,136	29	1,132	109	472	89	383	551	375	176	1,086	
REAL PROPERTY ACTIONS	71	87	85	2	78	5	33	8	25	40	21	19	80	
PERSONAL INJURY/PROD. LIABILITY	166	187	173	14	224	35	108	20	88	81	60	21	129	
OTHER PERSONAL INJURY	451	388	372	16	469	48	186	44	142	235	146	89	370	
PERSONAL PROP. DAMAGE	159	190	186	4	188	16	90	26	64	82	54	28	161	
ALL OTHER	35	52	52	-	44	1	24	10	14	19	10	9	43	
GENERAL LOCAL JURISDICTION	5	1	1	-	4	-	2	-	2	2	1	1	2	
CONTRACT ACTIONS	-	1	1	-	-	-	-	-	-	-	-	-	1	
REAL PROPERTY ACTIONS	1	-	-	-	1	-	1	-	1	-	-	-	-	
TORT ACTIONS	2	-	-	-	2	-	-	-	-	2	1	1	-	
PRISONER PETITIONS	-	-	-	-	-	-	-	-	-	-	-	-	-	
ALL OTHER	2	-	-	-	1	-	1	-	1	-	-	-	1	
TOTAL CRIMINAL CASES	13,172	13,667	13,279	388	13,720	667	3,322	908	2,414	9,731	2,861	6,870	13,119	
VIOLENT OFFENSES	759	607	592	15	674	41	139	50	89	494	183	311	692	
HOMICIDE	79	40	38	2	59	3	13	5	8	43	21	22	60	
ROBBERY	257	262	255	7	263	14	59	21	38	190	45	145	256	
ASSAULT	108	106	104	2	114	3	25	15	10	86	36	50	100	
KIDNAPPING	56	42	41	1	46	1	10	1	9	35	16	19	52	
RACKETEERING-VIOLENT CRIME	171	121	119	2	129	15	27	5	22	87	41	46	163	
CARJACKING	36	17	17	-	31	-	4	3	1	27	7	20	22	
TERRORISM	26	13	12	1	15	4	-	-	-	11	7	4	24	
OTHER VIOLENT OFFENSES	26	6	6	-	17	1	1	-	1	15	10	5	15	
PROPERTY OFFENSES	1,668	1,631	1,596	35	1,702	116	484	127	357	1,102	425	677	1,597	
BURGLARY	6	5	5	-	5	1	-	-	-	4	-	4	6	
LARCENY & THEFT, TOTAL	124	137	137	-	133	8	39	12	27	86	21	65	128	
BANK	4	16	16	-	13	-	7	4	3	6	1	5	7	
POSTAL	41	18	18	-	21	2	4	1	3	15	2	13	38	
THEFT, U.S. PROPERTY TRANSPORT, ETC. OF	35	58	58	-	50	2	20	3	17	28	8	20	43	
STOLEN PROPERTY	35	32	32	-	36	3	5	3	2	28	7	21	31	
OTHER LARCENY AND THEFT OFFENSES	9	13	13	-	13	1	3	1	2	9	3	6	9	

Table B-1A. (September 30, 2008—Continued)

Nature of Suit or Offense	Cases Pending Oct. 1, 2007 ¹	Cases Commenced			Cases Terminated							Cases Pending Sept. 30, 2008	
		Total	Original	Reopened ²	Total	Cases Disposed of by Consolidation	Procedural Terminations			Terminations on the Merits			
							Total	By Judge	By Staff	Total	After Oral Hearing		After Submission on Briefs
PROPERTY OFFENSES (CONTINUED)													
EMBEZZLEMENT	44	64	64	-	52	3	15	5	10	34	18	16	56
FRAUD, TOTAL	1,371	1,294	1,261	33	1,371	101	388	100	288	882	357	525	1,294
TAX	117	106	101	5	120	8	31	9	22	81	43	38	103
FINANCIAL INSTITUTIONS	151	148	146	2	153	7	42	10	32	104	40	64	146
SECURITIES AND EXCHANGE	51	37	34	3	45	7	10	5	5	28	17	11	43
MAIL	206	192	190	2	211	35	52	13	39	124	57	67	187
WIRE, RADIO, OR TELEVISION	130	128	125	3	117	3	36	9	27	78	27	51	141
SOCIAL SECURITY	44	42	39	3	44	3	12	2	10	29	12	17	42
CITIZENSHIP AND													
NATURALIZATION	10	10	9	1	10	-	1	1	-	9	5	4	10
PASSPORT	19	12	12	-	20	1	3	-	3	16	1	15	11
IDENTIFICATION DOCUMENTS & INFO.	71	103	103	-	98	2	27	4	23	69	24	45	76
FALSE CLAIMS AND SERVICES, GOV'T.	39	43	43	-	46	-	16	7	9	30	10	20	36
FALSE STATEMENTS	88	71	69	2	87	7	23	6	17	57	24	33	72
CONSPIRACY TO DEFRAUD THE U.S.	246	197	194	3	210	14	62	15	47	134	43	91	233
UNAUTHORIZED ACCESS DEVICES	76	64	64	-	75	5	21	11	10	49	18	31	65
HEALTH CARE	87	59	54	5	83	6	26	8	18	51	29	22	63
OTHER FRAUD OFFENSES	36	82	78	4	52	3	26	-	26	23	7	16	66
FORGERY AND COUNTERFEITING	100	119	117	2	119	3	37	9	28	79	21	58	100
OTHER PROPERTY OFFENSES	23	12	12	-	22	-	5	1	4	17	8	9	13
DRUG OFFENSES													
MARIJUANA, TOTAL	472	441	438	3	509	13	129	25	104	367	114	253	404
SELL, DISTRIBUTE, OR DISPENSE	371	324	321	3	383	9	87	15	72	287	95	192	312
IMPORT/EXPORT	65	78	78	-	89	1	29	4	25	59	12	47	54
MANUFACTURE	32	37	37	-	35	3	13	6	7	19	6	13	34
POSSESSION	4	2	2	-	2	-	-	-	-	2	1	1	4
ALL OTHER DRUGS, TOTAL	4,562	5,502	5,314	188	4,897	253	1,280	394	886	3,364	893	2,471	5,167
SELL, DISTRIBUTE, OR DISPENSE	4,258	5,251	5,074	177	4,590	240	1,195	360	835	3,155	827	2,328	4,919
IMPORT/EXPORT	156	133	131	2	151	7	44	17	27	100	35	65	138
MANUFACTURE	141	103	95	8	144	6	35	14	21	103	29	74	100
POSSESSION	7	15	14	1	12	-	6	3	3	6	2	4	10
OTHER DRUG OFFENSES	149	105	101	4	114	14	29	14	15	71	35	36	140

Table B-1A. (September 30, 2008—Continued)

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		Total	Original	Reopened ²	Total	Cases Disposed of by Consolidation	Procedural Terminations			Terminations on the Merits				
							Total	By Judge	By Staff	Total	After Oral Hearing	After Submission on Briefs		
FIREARMS & EXPLOSIVES OFFENSES	2,030	1,978	1,932	46	2,080	71	427	115	312	1,582	507	1,075	1,928	
FIREARMS, TOTAL	1,977	1,928	1,883	45	2,030	65	416	114	302	1,549	484	1,065	1,875	
POSESSION BY														
PROHIBITED PERSONS	1,193	1,233	1,205	28	1,259	26	236	55	181	997	299	698	1,167	
FURTHERANCE OF VIOLENT/														
DRUG-TRAFFICKING CRIMES	483	395	385	10	455	18	99	30	69	338	101	237	423	
OTHER FIREARMS OFFENSES	301	300	293	7	316	21	81	29	52	214	84	130	285	
EXPLOSIVES	53	50	49	1	50	6	11	1	10	33	23	10	53	
SEX OFFENSES	522	631	612	19	551	10	134	27	107	407	168	239	602	
SEXUAL ABUSE OF ADULTS	22	23	23	-	21	-	3	2	1	18	9	9	24	
SEXUAL ABUSE OF MINORS	119	131	126	5	115	2	25	7	18	88	33	55	135	
SEXUALLY EXPLICIT MATERIAL	303	321	308	13	324	7	81	16	65	236	94	142	300	
OTHER SEX OFFENSES	78	156	155	1	91	1	25	2	23	65	32	33	143	
JUSTICE SYSTEM OFFENSES	192	171	167	4	190	21	56	14	42	113	45	68	173	
OBSTRUCTION OF JUSTICE	91	70	68	2	90	13	24	7	17	53	27	26	71	
ESCAPE FROM CUSTODY	25	41	40	1	28	2	10	3	7	16	2	14	38	
FAILURE TO APPEAR	21	18	18	-	22	5	7	3	4	10	3	7	17	
OTHER JUSTICE SYSTEM OFFENSES	55	42	41	1	50	1	15	1	14	34	13	21	47	
IMMIGRATION OFFENSES	1,720	1,592	1,566	26	1,960	37	310	54	256	1,613	222	1,391	1,352	
ALIEN SMUGGLING	219	181	179	2	238	9	50	11	39	179	50	129	162	
IMPROPER ENTRY BY ALIEN	32	26	26	-	36	2	9	3	6	25	5	20	22	
IMPROPER REENTRY BY ALIEN	1,432	1,357	1,333	24	1,645	25	238	38	200	1,382	155	1,227	1,144	
OTHER IMMIGRATION OFFENSES	37	28	28	-	41	1	13	2	11	27	12	15	24	
GENERAL OFFENSES	672	454	429	25	550	63	164	45	119	323	176	147	576	
MONEY LAUNDERING	404	263	248	15	314	42	92	28	64	180	103	77	353	
RICO ³	126	58	57	1	80	13	24	9	15	43	27	16	104	
EXTORTION AND THREATS	56	68	59	9	78	2	33	6	27	43	20	23	46	
OTHER GENERAL OFFENSES	86	65	65	-	78	6	15	2	13	57	26	31	73	
REGULATORY OFFENSES	137	149	145	4	139	14	44	6	38	81	48	33	147	
TRAFFIC OFFENSES	14	13	12	1	15	-	5	2	3	10	6	4	12	
UNCLASSIFIED OFFENSES	275	393	375	18	339	14	121	35	86	204	39	165	329	

NOTE: THIS TABLE INCLUDES APPEALS REOPENED, REMANDED, AND REINSTATED (AFTER BEING TERMINATED DUE TO PROCEDURAL DEFAULTS) AS WELL AS ORIGINAL APPEALS. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT. BEGINNING IN 2005, CATEGORIES FOR CRIMINAL OFFENSES WERE MODIFIED. THEREFORE, OFFENSE DATA FOR 2005 AND THEREAFTER ARE NOT COMPARABLE TO OFFENSE DATA PUBLISHED IN PREVIOUS YEARS.

¹ REVISED.

² BEGINNING IN 2007, THE CATEGORY ENTITLED "REOPENED," WHICH INCLUDES ALL REOPENED APPEALS, HAS REPLACED THE CATEGORY ENTITLED "REINSTATED." THEREFORE, DATA ON REOPENED CASES FOR 2007 AND THEREAFTER ARE NOT COMPARABLE TO DATA PUBLISHED PREVIOUSLY ON REINSTATED CASES.

³ RICO = RACKETEER INFLUENCED AND CORRUPT ORGANIZATION.