

Table B-5.
U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit
During the 12-Month Period Ending September 30, 2009

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ³
		Percent of Total Terminations	Total	Affirmed/Enforced ²	Dismissed	Reversed	Remanded	Other	
ALL CIRCUITS	60,508	49.8	30,160	24,263	2,153	2,573	517	654	9.1
CRIMINAL	13,974	69.7	9,744	7,937	984	585	181	57	6.0
U.S. PRISONER PETITIONS	5,405	32.4	1,751	1,502	120	100	22	7	5.7
OTHER U.S. CIVIL	3,147	54.0	1,700	1,325	91	239	39	6	14.1
PRIV. PRISONER PETITIONS	10,343	25.2	2,611	2,004	268	273	40	26	10.5
OTHER PRIVATE CIVIL	12,272	50.7	6,220	4,985	238	881	89	27	14.2
BANKRUPTCY	893	48.5	433	329	33	61	6	4	14.1
ADMINISTRATIVE APPEALS	10,889	50.8	5,536	4,223	241	405	140	527	7.3
ORIGINAL PROCEEDINGS	3,585	60.4	2,165	1,958	178	29	-	-	-
DISTRICT OF COLUMBIA	1,361	41.2	561	418	76	56	11	-	10.1
CRIMINAL	105	44.8	47	34	2	7	4	-	14.9
U.S. PRISONER PETITIONS	155	37.4	58	50	4	3	1	-	5.2
OTHER U.S. CIVIL	282	60.3	170	113	35	20	2	-	11.8
PRIV. PRISONER PETITIONS	15	53.3	8	7	-	1	-	-	-
OTHER PRIVATE CIVIL	150	59.3	89	66	17	5	1	-	5.6
BANKRUPTCY	3	33.3	1	1	-	-	-	-	-
ADMINISTRATIVE APPEALS	582	24.7	144	107	18	16	3	-	11.1
ORIGINAL PROCEEDINGS	69	63.8	44	40	-	4	-	-	-
FIRST CIRCUIT	1,750	59.9	1,049	893	51	91	13	1	8.9
CRIMINAL	658	67.2	442	394	14	29	4	1	6.6
U.S. PRISONER PETITIONS	120	39.2	47	39	7	1	-	-	2.1
OTHER U.S. CIVIL	102	68.6	70	55	1	12	2	-	17.1
PRIV. PRISONER PETITIONS	172	37.2	64	54	6	4	-	-	6.3
OTHER PRIVATE CIVIL	395	52.7	208	164	10	33	1	-	15.9
BANKRUPTCY	43	44.2	19	12	4	3	-	-	15.8
ADMINISTRATIVE APPEALS	197	70.6	139	118	9	6	6	-	4.3
ORIGINAL PROCEEDINGS	63	95.2	60	57	-	3	-	-	-
SECOND CIRCUIT	6,816	47.4	3,230	2,726	229	226	48	1	7.4
CRIMINAL	1,007	56.0	564	511	17	30	6	-	5.3
U.S. PRISONER PETITIONS	212	12.7	27	21	-	5	1	-	18.5
OTHER U.S. CIVIL	255	44.7	114	92	1	19	2	-	16.7
PRIV. PRISONER PETITIONS	783	16.6	130	108	3	16	3	-	12.3
OTHER PRIVATE CIVIL	1,752	42.8	749	631	12	91	15	-	12.1
BANKRUPTCY	145	35.2	51	41	1	7	2	-	13.7
ADMINISTRATIVE APPEALS	2,448	58.2	1,424	1,322	24	58	19	1	4.1
ORIGINAL PROCEEDINGS	214	79.9	171	-	171	-	-	-	-

Table B-5. (September 30, 2009—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ³
		Percent of Total Terminations	Total	Affirmed/Enforced ²	Dismissed	Reversed	Remanded	Other	
THIRD CIRCUIT	3,997	58.4	2,333	1,950	86	250	46	1	11.5
CRIMINAL	925	81.1	750	676	15	49	10	-	6.5
U.S. PRISONER PETITIONS	333	36.6	122	95	9	17	1	-	13.9
OTHER U.S. CIVIL	203	60.1	122	97	6	15	4	-	12.3
PRIV. PRISONER PETITIONS	683	28.6	195	132	27	31	4	1	15.9
OTHER PRIVATE CIVIL	1,014	58.3	591	472	22	93	4	-	15.7
BANKRUPTCY	73	50.7	37	30	5	2	-	-	5.4
ADMINISTRATIVE APPEALS	566	61.0	345	278	2	42	23	-	12.2
ORIGINAL PROCEEDINGS	200	85.5	171	170	-	1	-	-	-
FOURTH CIRCUIT	5,282	55.4	2,926	2,620	131	112	62	1	4.2
CRIMINAL	1,095	80.5	881	757	47	41	36	-	4.7
U.S. PRISONER PETITIONS	1,573	48.6	764	722	22	13	7	-	1.7
OTHER U.S. CIVIL	252	51.2	129	113	7	9	-	-	7.0
PRIV. PRISONER PETITIONS	881	25.2	222	194	22	4	2	-	1.8
OTHER PRIVATE CIVIL	766	54.2	415	348	22	38	7	-	9.2
BANKRUPTCY	50	48.0	24	19	2	2	1	-	8.3
ADMINISTRATIVE APPEALS	342	62.3	213	189	9	5	9	1	2.3
ORIGINAL PROCEEDINGS	323	86.1	278	278	-	-	-	-	-
FIFTH CIRCUIT	7,355	48.8	3,589	2,632	637	272	48	-	8.0
CRIMINAL	2,342	69.8	1,635	1,082	481	56	16	-	3.4
U.S. PRISONER PETITIONS	538	21.6	116	80	28	6	2	-	5.2
OTHER U.S. CIVIL	323	50.8	164	138	6	18	2	-	11.0
PRIV. PRISONER PETITIONS	1,789	17.5	313	189	70	51	3	-	16.3
OTHER PRIVATE CIVIL	1,291	58.5	755	587	38	117	13	-	15.5
BANKRUPTCY	112	46.4	52	36	6	10	-	-	19.2
ADMINISTRATIVE APPEALS	556	46.8	260	234	7	7	12	-	2.7
ORIGINAL PROCEEDINGS	404	72.8	294	286	1	7	-	-	-
SIXTH CIRCUIT	4,812	49.2	2,368	2,051	39	232	46	-	10.7
CRIMINAL	1,134	63.5	720	626	9	67	18	-	9.3
U.S. PRISONER PETITIONS	292	27.1	79	69	3	7	-	-	8.9
OTHER U.S. CIVIL	248	39.1	97	81	2	11	3	-	11.3
PRIV. PRISONER PETITIONS	1,068	28.3	302	258	3	39	2	-	12.9
OTHER PRIVATE CIVIL	1,233	47.9	590	490	9	88	3	-	14.9
BANKRUPTCY	65	58.5	38	30	6	1	1	-	2.6
ADMINISTRATIVE APPEALS	441	64.9	286	247	7	13	19	-	4.5
ORIGINAL PROCEEDINGS	331	77.3	256	250	-	6	-	-	-

Table B-5. (September 30, 2009—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ³
		Percent of Total Terminations	Total	Affirmed/Enforced ²	Dismissed	Reversed	Remanded	Other	
SEVENTH CIRCUIT	3,435	47.8	1,641	1,217	143	198	18	65	13.2
CRIMINAL	695	66.5	462	276	118	51	10	7	11.0
U.S. PRISONER PETITIONS	592	39.5	234	205	10	14	-	5	6.0
OTHER U.S. CIVIL	161	62.7	101	75	-	22	-	4	21.8
PRIV. PRISONER PETITIONS	626	20.6	129	102	4	20	-	3	15.5
OTHER PRIVATE CIVIL	911	46.0	419	335	8	64	4	8	15.3
BANKRUPTCY	51	56.9	29	18	1	8	-	2	27.6
ADMINISTRATIVE APPEALS	212	56.6	120	60	2	18	4	36	15.0
ORIGINAL PROCEEDINGS	187	78.6	147	146	-	1	-	-	-
EIGHTH CIRCUIT	3,140	65.4	2,054	1,717	144	175	17	1	9.6
CRIMINAL	1,165	78.5	915	756	73	75	10	1	8.2
U.S. PRISONER PETITIONS	268	27.2	73	66	3	2	2	-	2.7
OTHER U.S. CIVIL	171	69.0	118	89	10	17	2	-	14.4
PRIV. PRISONER PETITIONS	543	39.8	216	194	11	10	1	-	4.6
OTHER PRIVATE CIVIL	559	66.0	369	290	23	55	1	-	14.9
BANKRUPTCY	42	59.5	25	16	1	8	-	-	32.0
ADMINISTRATIVE APPEALS	131	67.9	89	64	18	6	1	-	6.7
ORIGINAL PROCEEDINGS	261	95.4	249	242	5	2	-	-	-
NINTH CIRCUIT	12,818	43.0	5,509	4,027	222	596	92	572	10.9
CRIMINAL	1,644	67.5	1,110	939	33	74	22	42	6.7
U.S. PRISONER PETITIONS	423	17.3	73	56	4	10	1	2	13.7
OTHER U.S. CIVIL	655	58.9	386	307	10	61	6	2	15.8
PRIV. PRISONER PETITIONS	2,087	30.1	628	533	10	52	11	22	8.3
OTHER PRIVATE CIVIL	2,202	48.7	1,072	826	36	181	12	17	16.9
BANKRUPTCY	203	51.2	104	87	2	13	-	2	12.5
ADMINISTRATIVE APPEALS	4,687	44.3	2,078	1,222	127	204	40	485	9.8
ORIGINAL PROCEEDINGS	917	6.3	58	57	-	1	-	-	-
TENTH CIRCUIT	2,376	60.2	1,431	1,066	167	92	101	5	6.8
CRIMINAL	656	82.9	544	387	92	23	42	-	4.2
U.S. PRISONER PETITIONS	273	30.4	83	52	17	7	7	-	8.4
OTHER U.S. CIVIL	145	63.4	92	70	2	9	11	-	9.8
PRIV. PRISONER PETITIONS	431	32.3	139	97	22	7	13	-	5.0
OTHER PRIVATE CIVIL	601	64.1	385	306	16	40	22	1	10.4
BANKRUPTCY	30	66.7	20	11	4	3	2	-	15.0
ADMINISTRATIVE APPEALS	97	70.1	68	45	14	1	4	4	1.5
ORIGINAL PROCEEDINGS	143	69.9	100	98	-	2	-	-	-

Table B-5. (September 30, 2009—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ³
		Percent of Total Terminations	Total	Affirmed/ Enforced ²	Dismissed	Reversed	Remanded	Other	
ELEVENTH CIRCUIT	7,366	47.1	3,469	2,946	228	273	15	7	8.7
CRIMINAL	2,548	65.7	1,674	1,499	83	83	3	6	5.0
U.S. PRISONER PETITIONS	626	12.0	75	47	13	15	-	-	20.0
OTHER U.S. CIVIL	350	39.1	137	95	11	26	5	-	19.0
PRIV. PRISONER PETITIONS	1,265	20.9	265	136	90	38	1	-	14.3
OTHER PRIVATE CIVIL	1,398	41.3	578	470	25	76	6	1	13.1
BANKRUPTCY	76	43.4	33	28	1	4	-	-	12.1
ADMINISTRATIVE APPEALS	630	58.7	370	337	4	29	-	-	7.8
ORIGINAL PROCEEDINGS	473	71.2	337	334	1	2	-	-	-

Note: This table does not include data for the U.S. Court of Appeals for the Federal Circuit.

¹ Totals include reopened and remanded appeals as well as original appeals.

² Affirmed includes merit terminations affirmed in part and reversed in part.

³ Percent not shown where the total number of cases terminated on the merits is less than 10. Percentages of cases reversed have not been computed for original proceedings because of their difference from appeals, nor are they included in the percentage of total appeals reversed.

