

Table B-5.
U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit
During the 12-Month Period Ending September 30, 2008

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							
		Percent of Total Terminations	Total	Affirmed/Enforced ²	Dismissed	Reversed	Remanded	Other	Percent Reversed ³
ALL CIRCUITS	59,096	50.1	29,608	23,189	2,516	2,522	806	575	9.1
CRIMINAL	13,720	70.9	9,731	7,853	936	631	272	39	6.5
U.S. PRISONER PETITIONS	4,767	26.7	1,271	953	141	132	34	11	10.4
OTHER U.S. CIVIL	2,926	58.2	1,703	1,351	81	209	52	10	12.3
PRIV. PRISONER PETITIONS	10,843	25.4	2,754	2,000	420	265	51	18	9.6
OTHER PRIVATE CIVIL	11,841	50.6	5,988	4,777	262	787	133	29	13.1
BANKRUPTCY	827	49.0	405	310	25	64	3	3	15.8
ADMINISTRATIVE APPEALS	10,512	51.1	5,367	3,651	593	397	261	465	7.4
ORIGINAL PROCEEDINGS	3,660	65.3	2,389	2,294	58	37	-	-	-
DISTRICT OF COLUMBIA	1,285	43.3	557	432	26	69	28	2	13.8
CRIMINAL	147	45.6	67	55	2	6	4	-	9.0
U.S. PRISONER PETITIONS	168	35.1	59	44	2	1	11	1	1.7
OTHER U.S. CIVIL	247	62.8	155	120	6	21	7	1	13.5
PRIV. PRISONER PETITIONS	24	20.8	5	3	1	1	-	-	-
OTHER PRIVATE CIVIL	169	58.0	98	77	1	17	3	-	17.3
BANKRUPTCY	1	100.0	1	-	-	1	-	-	-
ADMINISTRATIVE APPEALS	437	24.7	108	70	14	21	3	-	19.4
ORIGINAL PROCEEDINGS	92	69.6	64	63	-	1	-	-	-
FIRST CIRCUIT	1,776	57.4	1,020	871	59	68	22	-	7.0
CRIMINAL	611	68.6	419	357	19	33	10	-	7.9
U.S. PRISONER PETITIONS	120	28.3	34	22	5	7	-	-	20.6
OTHER U.S. CIVIL	91	51.6	47	38	5	4	-	-	8.5
PRIV. PRISONER PETITIONS	167	30.5	51	45	3	2	1	-	3.9
OTHER PRIVATE CIVIL	477	50.9	243	211	6	19	7	-	7.8
BANKRUPTCY	26	61.5	16	12	3	1	-	-	6.3
ADMINISTRATIVE APPEALS	224	69.6	156	136	14	2	4	-	1.3
ORIGINAL PROCEEDINGS	60	90.0	54	50	4	-	-	-	-
SECOND CIRCUIT	6,434	44.4	2,859	2,142	388	187	133	9	6.9
CRIMINAL	1,182	58.3	689	596	24	32	36	1	4.6
U.S. PRISONER PETITIONS	259	15.8	41	18	13	3	7	-	7.3
OTHER U.S. CIVIL	220	41.4	91	59	19	6	7	-	6.6
PRIV. PRISONER PETITIONS	797	14.9	119	57	47	5	8	2	4.2
OTHER PRIVATE CIVIL	1,244	41.0	510	328	106	35	41	-	6.9
BANKRUPTCY	118	22.9	27	19	4	4	-	-	14.8
ADMINISTRATIVE APPEALS	2,384	51.0	1,216	940	136	100	34	6	8.2
ORIGINAL PROCEEDINGS	230	72.2	166	125	39	2	-	-	-

Table B-5. (September 30, 2008—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	3,990	57.6	2,300	1,936	104	217	40	3	10.1
CRIMINAL	772	77.7	600	537	4	50	7	2	8.3
U.S. PRISONER PETITIONS	340	47.4	161	129	15	15	2	-	9.3
OTHER U.S. CIVIL	166	69.9	116	95	6	13	2	-	11.2
PRIV. PRISONER PETITIONS	758	23.7	180	111	37	29	3	-	16.1
OTHER PRIVATE CIVIL	936	56.1	525	422	22	75	6	-	14.3
BANKRUPTCY	83	47.0	39	29	3	6	1	-	15.4
ADMINISTRATIVE APPEALS	740	70.4	521	459	14	28	19	1	5.4
ORIGINAL PROCEEDINGS	195	81.0	158	154	3	1	-	-	-
FOURTH CIRCUIT	4,671	55.3	2,581	2,199	180	135	61	6	5.7
CRIMINAL	1,230	74.6	917	759	64	56	34	4	6.1
U.S. PRISONER PETITIONS	820	36.8	302	268	25	8	1	-	2.6
OTHER U.S. CIVIL	197	69.0	136	115	9	11	1	-	8.1
PRIV. PRISONER PETITIONS	1,090	31.1	339	281	48	9	1	-	2.7
OTHER PRIVATE CIVIL	686	56.4	387	326	22	32	7	-	8.3
BANKRUPTCY	45	60.0	27	18	1	8	-	-	29.6
ADMINISTRATIVE APPEALS	311	71.4	222	184	11	8	17	2	3.6
ORIGINAL PROCEEDINGS	292	86.0	251	248	-	3	-	-	-
FIFTH CIRCUIT	8,086	51.0	4,121	3,166	562	313	80	-	8.1
CRIMINAL	2,609	75.9	1,980	1,493	372	81	34	-	4.1
U.S. PRISONER PETITIONS	571	23.3	133	76	38	19	-	-	14.3
OTHER U.S. CIVIL	338	58.0	196	174	7	15	-	-	7.7
PRIV. PRISONER PETITIONS	2,015	19.3	388	225	111	49	3	-	12.6
OTHER PRIVATE CIVIL	1,400	57.6	807	646	26	127	8	-	15.7
BANKRUPTCY	122	57.4	70	61	1	8	-	-	11.4
ADMINISTRATIVE APPEALS	578	41.3	239	189	5	10	35	-	4.2
ORIGINAL PROCEEDINGS	453	68.0	308	302	2	4	-	-	-
SIXTH CIRCUIT	4,781	53.7	2,569	2,235	31	242	56	5	10.4
CRIMINAL	1,161	65.9	765	658	13	67	26	1	8.8
U.S. PRISONER PETITIONS	337	30.9	104	87	3	9	3	2	8.7
OTHER U.S. CIVIL	205	61.5	126	115	3	8	-	-	6.3
PRIV. PRISONER PETITIONS	967	30.6	296	248	3	41	4	-	13.9
OTHER PRIVATE CIVIL	1,200	52.6	631	533	6	87	5	-	13.8
BANKRUPTCY	61	59.0	36	30	1	5	-	-	13.9
ADMINISTRATIVE APPEALS	449	64.8	291	251	2	18	18	2	6.2
ORIGINAL PROCEEDINGS	401	79.8	320	313	-	7	-	-	-

Table B-5. (September 30, 2008—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	3,281	40.8	1,338	985	83	210	18	42	16.7
CRIMINAL	734	59.0	433	290	75	55	10	3	12.7
U.S. PRISONER PETITIONS	461	19.5	90	60	1	27	-	2	30.0
OTHER U.S. CIVIL	166	52.4	87	67	-	15	-	5	17.2
PRIV. PRISONER PETITIONS	610	21.1	129	101	1	22	1	4	17.1
OTHER PRIVATE CIVIL	875	43.0	376	292	1	69	4	10	18.4
BANKRUPTCY	45	40.0	18	13	-	3	-	2	16.7
ADMINISTRATIVE APPEALS	223	52.9	118	81	-	18	3	16	15.3
ORIGINAL PROCEEDINGS	167	52.1	87	81	5	1	-	-	-
EIGHTH CIRCUIT	3,103	61.9	1,922	1,626	124	138	31	3	7.9
CRIMINAL	1,006	79.1	796	660	58	62	14	2	7.8
U.S. PRISONER PETITIONS	258	29.8	77	69	3	3	1	1	3.9
OTHER U.S. CIVIL	155	65.8	102	81	8	9	4	-	8.8
PRIV. PRISONER PETITIONS	570	39.1	223	192	11	12	8	-	5.4
OTHER PRIVATE CIVIL	681	55.9	381	320	20	40	1	-	10.5
BANKRUPTCY	40	57.5	23	13	2	8	-	-	34.8
ADMINISTRATIVE APPEALS	163	68.1	111	85	22	1	3	-	0.9
ORIGINAL PROCEEDINGS	230	90.9	209	206	-	3	-	-	-
NINTH CIRCUIT	12,373	46.9	5,800	4,027	483	562	243	485	10.0
CRIMINAL	1,806	69.9	1,262	1,020	79	88	62	13	7.0
U.S. PRISONER PETITIONS	402	21.4	86	57	6	13	5	5	15.1
OTHER U.S. CIVIL	702	56.0	393	284	6	86	13	4	21.9
PRIV. PRISONER PETITIONS	1,895	28.8	545	462	9	49	16	9	9.0
OTHER PRIVATE CIVIL	2,123	48.9	1,038	815	20	163	24	16	15.7
BANKRUPTCY	157	51.6	81	66	4	8	2	1	9.9
ADMINISTRATIVE APPEALS	4,391	47.2	2,072	1,016	355	143	121	437	6.9
ORIGINAL PROCEEDINGS	897	36.0	323	307	4	12	-	-	-
TENTH CIRCUIT	2,385	61.8	1,473	1,082	208	96	86	1	6.9
CRIMINAL	662	82.3	545	364	116	33	32	-	6.1
U.S. PRISONER PETITIONS	207	38.2	79	50	18	7	4	-	8.9
OTHER U.S. CIVIL	163	69.9	114	86	2	8	18	-	7.0
PRIV. PRISONER PETITIONS	420	37.6	158	110	39	4	5	-	2.5
OTHER PRIVATE CIVIL	590	59.8	353	285	11	34	23	-	9.6
BANKRUPTCY	52	53.8	28	19	4	5	-	-	17.9
ADMINISTRATIVE APPEALS	94	69.1	65	40	18	2	4	1	3.1
ORIGINAL PROCEEDINGS	197	66.5	131	128	-	3	-	-	-

Table B-5. (September 30, 2008—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	6,931	44.3	3,068	2,488	268	285	8	19	10.4
CRIMINAL	1,800	69.9	1,258	1,064	110	68	3	13	5.4
U.S. PRISONER PETITIONS	824	12.7	105	73	12	20	-	-	19.0
OTHER U.S. CIVIL	276	50.7	140	117	10	13	-	-	9.3
PRIV. PRISONER PETITIONS	1,530	21.0	321	165	110	42	1	3	13.1
OTHER PRIVATE CIVIL	1,460	43.8	639	522	21	89	4	3	13.9
BANKRUPTCY	77	50.6	39	30	2	7	-	-	17.9
ADMINISTRATIVE APPEALS	518	47.9	248	200	2	46	-	-	18.5
ORIGINAL PROCEEDINGS	446	71.3	318	317	1	-	-	-	-

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 WHEN THE TOTAL NUMBER OF CASES TERMINATED ON THE MERITS IS LESS THAN 10. NO PERCENTAGES OF CASES REVERSED HAVE BEEN COMPUTED FOR ORIGINAL PROCEEDINGS BECAUSE OF THEIR DIFFERENCE FROM APPEALS, NOR HAVE THEY BEEN INCLUDED IN THE PERCENTAGE OF TOTAL APPEALS REVERSED.