

Table B-5A.

U.S. Courts of Appeals—Appeals Terminated by Procedural Judgments, by Circuit, During the 12-Month Period Ending September 30, 2009

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 ¹	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42 ¹	Default	Other
ALL CIRCUITS	60,508	28,223	194	13,198	4,280	574	66	-	5,322	2,956	14,831	6,403	7,203	1,225
CRIMINAL	13,974	3,524	17	1,006	494	145	7	-	-	360	2,501	1,507	815	179
U.S. PRISONER PETITIONS	5,405	3,593	1	2,169	365	4	13	-	1,673	114	1,423	287	1,107	29
OTHER U.S. CIVIL	3,147	1,302	19	386	231	36	5	-	-	114	897	403	456	38
PRIV. PRISONER PETITIONS	10,343	7,679	5	4,947	951	13	22	-	3,649	312	2,727	521	2,123	83
OTHER PRIVATE CIVIL	12,272	5,433	142	1,514	830	304	12	-	-	368	3,777	2,265	1,389	123
BANKRUPTCY	893	377	4	145	56	18	4	-	-	67	228	120	93	15
ADMINISTRATIVE APPEALS	10,889	4,912	6	2,092	1,353	54	3	-	-	682	2,814	1,300	1,220	294
ORIGINAL PROCEEDINGS	3,585	1,403	-	939	-	-	-	-	-	939	464	-	-	464
DISTRICT OF COLUMBIA	1,361	595	9	281	179	35	10	-	18	39	305	178	90	37
CRIMINAL	105	45	-	8	1	6	-	-	-	1	37	31	4	2
U.S. PRISONER PETITIONS	155	79	-	33	7	2	5	-	17	2	46	12	33	1
OTHER U.S. CIVIL	282	91	4	18	4	4	3	-	-	7	69	35	28	6
PRIV. PRISONER PETITIONS	15	7	-	3	1	1	-	-	1	-	4	2	2	-
OTHER PRIVATE CIVIL	150	47	2	8	5	1	2	-	-	-	37	20	13	4
BANKRUPTCY	3	2	-	-	-	-	-	-	-	-	2	2	-	-
ADMINISTRATIVE APPEALS	582	299	3	203	161	21	-	-	-	21	93	76	10	7
ORIGINAL PROCEEDINGS	69	25	-	8	-	-	-	-	-	8	17	-	-	17
FIRST CIRCUIT	1,750	635	-	178	44	9	5	-	109	11	457	278	173	6
CRIMINAL	658	181	-	11	9	1	-	-	-	1	170	119	50	1
U.S. PRISONER PETITIONS	120	73	-	49	3	-	-	-	45	1	24	9	15	-
OTHER U.S. CIVIL	102	29	-	2	-	-	-	-	-	2	27	16	10	1
PRIV. PRISONER PETITIONS	172	106	-	71	6	-	1	-	64	-	35	6	29	-
OTHER PRIVATE CIVIL	395	166	-	25	18	4	3	-	-	-	141	101	39	1
BANKRUPTCY	43	22	-	4	1	2	1	-	-	-	18	7	11	-
ADMINISTRATIVE APPEALS	197	55	-	14	7	2	-	-	-	5	41	20	19	2
ORIGINAL PROCEEDINGS	63	3	-	2	-	-	-	-	-	2	1	-	-	1
SECOND CIRCUIT	6,816	3,284	48	1,435	68	35	1	-	276	1,055	1,801	975	639	187
CRIMINAL	1,007	298	7	108	1	-	-	-	-	107	183	78	50	55
U.S. PRISONER PETITIONS	212	185	-	115	2	-	-	-	73	40	70	3	62	5
OTHER U.S. CIVIL	255	136	3	61	1	2	-	-	-	58	72	36	32	4
PRIV. PRISONER PETITIONS	783	649	-	429	13	-	-	-	203	213	220	6	195	19
OTHER PRIVATE CIVIL	1,752	926	37	282	26	30	-	-	-	226	607	398	173	36
BANKRUPTCY	145	83	-	59	4	-	-	-	-	55	24	9	11	4
ADMINISTRATIVE APPEALS	2,448	968	1	362	21	3	1	-	-	337	605	445	116	44
ORIGINAL PROCEEDINGS	214	39	-	19	-	-	-	-	-	19	20	-	-	20

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

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 ¹	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42 ¹	Default	Other
THIRD CIRCUIT	3,997	1,637	2	712	257	19	1	-	402	33	923	426	428	69
CRIMINAL	925	174	-	43	36	1	-	-	-	6	131	109	18	4
U.S. PRISONER PETITIONS	333	211	1	143	13	1	-	-	128	1	67	8	59	-
OTHER U.S. CIVIL	203	81	-	21	16	4	-	-	-	1	60	30	29	1
PRIV. PRISONER PETITIONS	683	486	-	343	66	2	-	-	274	1	143	13	122	8
OTHER PRIVATE CIVIL	1,014	401	1	75	62	8	1	-	-	4	325	220	88	17
BANKRUPTCY	73	35	-	9	8	-	-	-	-	1	26	15	8	3
ADMINISTRATIVE APPEALS	566	220	-	72	56	3	-	-	-	13	148	31	104	13
ORIGINAL PROCEEDINGS	200	29	-	6	-	-	-	-	-	6	23	-	-	23
FOURTH CIRCUIT	5,282	2,194	7	916	272	7	1	-	571	65	1,271	421	791	59
CRIMINAL	1,095	171	-	34	20	2	-	-	-	12	137	124	6	7
U.S. PRISONER PETITIONS	1,573	791	-	391	80	-	-	-	300	11	400	41	352	7
OTHER U.S. CIVIL	252	85	-	36	34	-	-	-	-	2	49	23	26	-
PRIV. PRISONER PETITIONS	881	657	-	322	43	-	-	-	271	8	335	49	280	6
OTHER PRIVATE CIVIL	766	315	6	79	64	5	-	-	-	10	230	146	79	5
BANKRUPTCY	50	13	-	4	3	-	1	-	-	-	9	7	1	1
ADMINISTRATIVE APPEALS	342	117	1	36	28	-	-	-	-	8	80	31	47	2
ORIGINAL PROCEEDINGS	323	45	-	14	-	-	-	-	-	14	31	-	-	31
FIFTH CIRCUIT	7,355	3,655	12	1,612	596	14	2	-	862	138	2,031	574	1,299	158
CRIMINAL	2,342	677	-	145	59	5	-	-	-	81	532	280	241	11
U.S. PRISONER PETITIONS	538	421	-	238	50	-	-	-	183	5	183	8	170	5
OTHER U.S. CIVIL	323	151	1	31	27	1	-	-	-	3	119	32	84	3
PRIV. PRISONER PETITIONS	1,789	1,474	1	885	200	-	1	-	679	5	588	62	518	8
OTHER PRIVATE CIVIL	1,291	484	10	132	112	8	1	-	-	11	342	140	190	12
BANKRUPTCY	112	49	-	9	6	-	-	-	-	3	40	18	18	4
ADMINISTRATIVE APPEALS	556	291	-	169	142	-	-	-	-	27	122	34	78	10
ORIGINAL PROCEEDINGS	404	108	-	3	-	-	-	-	-	3	105	-	-	105
SIXTH CIRCUIT	4,812	2,245	22	1,025	471	32	15	-	488	19	1,198	485	538	175
CRIMINAL	1,134	357	1	115	107	5	-	-	-	3	241	118	64	59
U.S. PRISONER PETITIONS	292	209	-	129	32	-	2	-	95	-	80	6	71	3
OTHER U.S. CIVIL	248	140	2	62	60	-	2	-	-	-	76	39	31	6
PRIV. PRISONER PETITIONS	1,068	749	2	542	131	5	10	-	393	3	205	23	165	17
OTHER PRIVATE CIVIL	1,233	567	17	113	94	16	1	-	-	2	437	249	166	22
BANKRUPTCY	65	18	-	6	3	2	-	-	-	1	12	9	1	2
ADMINISTRATIVE APPEALS	441	137	-	54	44	4	-	-	-	6	83	41	40	2
ORIGINAL PROCEEDINGS	331	68	-	4	-	-	-	-	-	4	64	-	-	64

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

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 ¹	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42 ¹	Default	Other
SEVENTH CIRCUIT	3,435	1,612	11	572	169	12	12	-	238	141	1,029	471	533	25
CRIMINAL	695	164	-	47	22	1	-	-	-	24	117	113	2	2
U.S. PRISONER PETITIONS	592	347	-	166	46	-	4	-	101	15	181	57	123	1
OTHER U.S. CIVIL	161	50	1	9	3	1	-	-	-	5	40	17	21	2
PRIV. PRISONER PETITIONS	626	491	-	194	33	-	7	-	137	17	297	42	255	-
OTHER PRIVATE CIVIL	911	430	10	93	50	7	-	-	-	36	327	203	120	4
BANKRUPTCY	51	13	-	2	2	-	-	-	-	-	11	10	1	-
ADMINISTRATIVE APPEALS	212	77	-	36	13	3	1	-	-	19	41	29	11	1
ORIGINAL PROCEEDINGS	187	40	-	25	-	-	-	-	-	25	15	-	-	15
EIGHTH CIRCUIT	3,140	936	9	532	151	21	8	-	337	15	395	205	158	32
CRIMINAL	1,165	183	1	67	55	9	1	-	-	2	115	93	10	12
U.S. PRISONER PETITIONS	268	191	-	168	8	1	2	-	156	1	23	3	20	-
OTHER U.S. CIVIL	171	40	-	9	6	1	-	-	-	2	31	15	14	2
PRIV. PRISONER PETITIONS	543	320	-	238	47	1	3	-	181	6	82	11	70	1
OTHER PRIVATE CIVIL	559	156	8	37	28	8	1	-	-	-	111	74	34	3
BANKRUPTCY	42	2	-	1	1	-	-	-	-	-	1	1	-	-
ADMINISTRATIVE APPEALS	131	35	-	8	6	1	1	-	-	-	27	8	10	9
ORIGINAL PROCEEDINGS	261	9	-	4	-	-	-	-	-	4	5	-	-	5
NINTH CIRCUIT	12,818	6,872	50	3,632	1,362	33	7	-	975	1,255	3,190	1,768	1,048	374
CRIMINAL	1,644	459	7	128	31	4	6	-	-	87	324	284	19	21
U.S. PRISONER PETITIONS	423	346	-	253	44	-	-	-	183	26	93	61	27	5
OTHER U.S. CIVIL	655	250	8	64	35	3	-	-	-	26	178	115	51	12
PRIV. PRISONER PETITIONS	2,087	1,453	2	1,087	243	2	-	-	792	50	364	208	133	23
OTHER PRIVATE CIVIL	2,202	982	29	266	188	15	-	-	-	63	687	521	152	14
BANKRUPTCY	203	89	4	30	21	3	1	-	-	5	55	36	19	-
ADMINISTRATIVE APPEALS	4,687	2,435	-	1,044	800	6	-	-	-	238	1,391	543	647	201
ORIGINAL PROCEEDINGS	917	858	-	760	-	-	-	-	-	760	98	-	-	98
TENTH CIRCUIT	2,376	909	11	433	98	3	-	-	252	80	465	396	34	35
CRIMINAL	656	107	1	39	11	1	-	-	-	27	67	60	3	4
U.S. PRISONER PETITIONS	273	189	-	114	15	-	-	-	90	9	75	64	9	2
OTHER U.S. CIVIL	145	50	-	9	4	-	-	-	-	5	41	36	4	1
PRIV. PRISONER PETITIONS	431	290	-	201	34	-	-	-	162	5	89	72	16	1
OTHER PRIVATE CIVIL	601	195	10	37	29	2	-	-	-	6	148	145	1	2
BANKRUPTCY	30	10	-	5	3	-	-	-	-	2	5	3	1	1
ADMINISTRATIVE APPEALS	97	25	-	7	2	-	-	-	-	5	18	16	-	2
ORIGINAL PROCEEDINGS	143	43	-	21	-	-	-	-	-	21	22	-	-	22

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

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42 ¹	Default	CPC Denial	Cert. Appealability	Other	Total	FRAP 42 ¹	Default	Other
ELEVENTH CIRCUIT	7,366	3,649	13	1,870	613	354	4	-	794	105	1,766	226	1,472	68
CRIMINAL	2,548	708	-	261	142	110	-	-	-	9	447	98	348	1
U.S. PRISONER PETITIONS	626	551	-	370	65	-	-	-	302	3	181	15	166	-
OTHER U.S. CIVIL	350	199	-	64	41	20	-	-	-	3	135	9	126	-
PRIV. PRISONER PETITIONS	1,265	997	-	632	134	2	-	-	492	4	365	27	338	-
OTHER PRIVATE CIVIL	1,398	764	12	367	154	200	3	-	-	10	385	48	334	3
BANKRUPTCY	76	41	-	16	4	11	1	-	-	-	25	3	22	-
ADMINISTRATIVE APPEALS	630	253	1	87	73	11	-	-	-	3	165	26	138	1
ORIGINAL PROCEEDINGS	473	136	-	73	-	-	-	-	-	73	63	-	-	63

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.

¹ Voluntary dismissal under Rule 42(b), Federal Rules of Appellate Procedure.