

Table B-5.

**U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit,
During the 12-Month Period Ending December 31, 2004**

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
ALL CIRCUITS	56,984	48.4	27,563	21,278	2,557	2,102	930	696	8.4
CRIMINAL	10,885	68.2	7,421	6,171	564	444	221	21	6.0
U.S. PRISONER PETITIONS	4,898	29.6	1,452	1,125	145	122	55	5	8.4
OTHER U.S. CIVIL	3,054	58.6	1,790	1,421	86	211	62	10	11.8
PRIV. PRISONER PETITIONS	11,420	26.0	2,965	2,106	460	262	113	24	8.8
OTHER PRIVATE CIVIL	12,673	48.2	6,110	4,866	265	731	191	57	12.0
BANKRUPTCY	804	48.4	389	289	27	62	6	5	15.9
ADMINISTRATIVE APPEALS	9,332	46.7	4,356	2,350	915	235	282	574	5.4
ORIGINAL PROCEEDINGS ³	3,918	78.6	3,080	2,950	95	35	-	-	-
DISTRICT OF COLUMBIA	1,182	46.2	546	425	24	73	15	9	14.6
CRIMINAL	122	49.2	60	41	-	14	4	1	23.3
U.S. PRISONER PETITIONS	129	44.2	57	51	2	1	2	1	1.8
OTHER U.S. CIVIL	236	55.1	130	107	6	13	4	-	10.0
PRIV. PRISONER PETITIONS	25	56.0	14	12	-	1	-	1	7.1
OTHER PRIVATE CIVIL	164	54.3	89	76	3	8	2	-	9.0
BANKRUPTCY	4	50.0	2	-	-	2	-	-	-
ADMINISTRATIVE APPEALS	419	33.7	141	88	11	33	3	6	23.4
ORIGINAL PROCEEDINGS ³	83	63.9	53	50	2	1	-	-	-
FIRST CIRCUIT	1,661	46.5	772	633	25	96	17	1	13.4
CRIMINAL	542	43.0	233	177	6	35	15	-	15.0
U.S. PRISONER PETITIONS	111	14.4	16	10	1	5	-	-	31.3
OTHER U.S. CIVIL	116	55.2	64	54	2	8	-	-	12.5
PRIV. PRISONER PETITIONS	125	31.2	39	32	5	2	-	-	5.1
OTHER PRIVATE CIVIL	521	49.7	259	215	6	38	-	-	14.7
BANKRUPTCY	28	60.7	17	14	-	3	-	-	17.6
ADMINISTRATIVE APPEALS	157	56.1	88	78	2	5	2	1	5.7
ORIGINAL PROCEEDINGS ³	61	91.8	56	53	3	-	-	-	-
SECOND CIRCUIT	4,993	35.0	1,749	1,212	229	20	236	52	1.3
CRIMINAL	790	58.1	459	363	32	6	55	3	1.3
U.S. PRISONER PETITIONS	316	24.1	76	46	16	-	14	-	-
OTHER U.S. CIVIL	243	46.1	112	65	25	2	16	4	1.8
PRIV. PRISONER PETITIONS	1,146	18.7	214	114	46	2	46	6	0.9
OTHER PRIVATE CIVIL	1,359	41.1	559	381	56	10	94	18	1.8
BANKRUPTCY	70	41.4	29	19	6	-	4	-	-
ADMINISTRATIVE APPEALS	803	11.0	88	36	24	-	7	21	-
ORIGINAL PROCEEDINGS ³	266	79.7	212	188	24	-	-	-	-

Table B-5. (December 31, 2004—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
THIRD CIRCUIT	3,801	54.3	2,063	1,626	144	241	50	2	12.2
CRIMINAL	498	67.9	338	298	9	28	3	-	8.3
U.S. PRISONER PETITIONS	409	44.5	182	137	23	14	7	1	7.7
OTHER U.S. CIVIL	275	68.0	187	143	9	23	12	-	12.3
PRIV. PRISONER PETITIONS	697	29.8	208	111	65	28	3	1	13.5
OTHER PRIVATE CIVIL	1,081	55.3	598	473	26	96	3	-	16.1
BANKRUPTCY	89	55.1	49	29	2	18	-	-	36.7
ADMINISTRATIVE APPEALS	575	60.2	346	292	6	26	22	-	7.5
ORIGINAL PROCEEDINGS ³	177	87.6	155	143	4	8	-	-	-
FOURTH CIRCUIT	4,796	50.7	2,431	2,133	152	128	18	-	6.0
CRIMINAL	813	71.8	584	521	32	28	3	-	4.8
U.S. PRISONER PETITIONS	861	30.5	263	218	27	14	4	-	5.3
OTHER U.S. CIVIL	215	64.7	139	119	5	14	1	-	10.1
PRIV. PRISONER PETITIONS	1,153	28.7	331	283	39	5	4	-	1.5
OTHER PRIVATE CIVIL	889	55.7	495	419	21	51	4	-	10.3
BANKRUPTCY	63	58.7	37	27	6	4	-	-	10.8
ADMINISTRATIVE APPEALS	419	59.9	251	228	10	11	2	-	4.4
ORIGINAL PROCEEDINGS ³	383	86.4	331	318	12	1	-	-	-
FIFTH CIRCUIT	8,090	49.6	4,010	3,279	434	257	40	-	7.0
CRIMINAL	2,391	76.4	1,826	1,582	178	56	10	-	3.1
U.S. PRISONER PETITIONS	589	27.5	162	105	36	16	5	-	9.9
OTHER U.S. CIVIL	293	57.3	168	125	17	24	2	-	14.3
PRIV. PRISONER PETITIONS	2,078	19.8	412	220	138	46	8	-	11.2
OTHER PRIVATE CIVIL	1,478	52.2	772	612	55	96	9	-	12.4
BANKRUPTCY	112	48.2	54	47	1	6	-	-	11.1
ADMINISTRATIVE APPEALS	509	36.1	184	167	6	5	6	-	2.7
ORIGINAL PROCEEDINGS ³	640	67.5	432	421	3	8	-	-	-
SIXTH CIRCUIT	4,615	54.5	2,513	2,214	42	174	76	7	7.7
CRIMINAL	883	67.0	592	545	3	29	14	1	4.9
U.S. PRISONER PETITIONS	278	28.1	78	69	1	5	3	-	6.4
OTHER U.S. CIVIL	288	66.0	190	167	1	17	4	1	8.9
PRIV. PRISONER PETITIONS	928	37.8	351	305	3	30	13	-	8.5
OTHER PRIVATE CIVIL	1,422	51.8	737	619	2	78	35	3	10.6
BANKRUPTCY	67	52.2	35	29	-	5	-	1	14.3
ADMINISTRATIVE APPEALS	403	68.5	276	255	4	9	7	1	3.3
ORIGINAL PROCEEDINGS ³	346	73.4	254	225	28	1	-	-	-

Table B-5. (December 31, 2004—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
SEVENTH CIRCUIT	3,349	41.7	1,396	1,034	62	239	12	49	19.1
CRIMINAL	460	54.6	251	154	55	35	3	4	13.9
U.S. PRISONER PETITIONS	379	30.1	114	83	-	29	1	1	25.4
OTHER U.S. CIVIL	168	60.7	102	78	-	20	2	2	19.6
PRIV. PRISONER PETITIONS	723	25.3	183	140	1	35	-	7	19.1
OTHER PRIVATE CIVIL	1,012	46.8	474	358	-	88	4	24	18.6
BANKRUPTCY	61	36.1	22	14	-	6	1	1	27.3
ADMINISTRATIVE APPEALS	295	35.9	106	69	-	26	1	10	24.5
ORIGINAL PROCEEDINGS ³	251	57.4	144	138	6	-	-	-	-
EIGHTH CIRCUIT	2,816	64.1	1,804	1,515	133	135	17	4	8.4
CRIMINAL	701	76.3	535	446	41	44	4	-	8.2
U.S. PRISONER PETITIONS	216	37.5	81	73	4	3	1	-	3.7
OTHER U.S. CIVIL	211	73.9	156	140	5	8	2	1	5.1
PRIV. PRISONER PETITIONS	495	39.4	195	161	18	13	2	1	6.7
OTHER PRIVATE CIVIL	687	60.6	416	335	24	54	3	-	13.0
BANKRUPTCY	24	58.3	14	10	2	2	-	-	14.3
ADMINISTRATIVE APPEALS	215	74.0	159	111	34	7	5	2	4.4
ORIGINAL PROCEEDINGS ³	267	92.9	248	239	5	4	-	-	-
NINTH CIRCUIT	12,462	47.7	5,946	3,654	980	371	385	556	6.8
CRIMINAL	1,658	66.0	1,095	837	88	73	93	4	6.7
U.S. PRISONER PETITIONS	497	33.2	165	138	5	9	11	2	5.5
OTHER U.S. CIVIL	501	46.1	231	183	8	30	8	2	13.0
PRIV. PRISONER PETITIONS	2,200	26.8	589	467	27	55	33	7	9.3
OTHER PRIVATE CIVIL	1,815	39.0	708	560	37	84	19	8	11.9
BANKRUPTCY	170	40.6	69	54	4	9	1	1	13.0
ADMINISTRATIVE APPEALS	4,956	49.6	2,456	794	809	101	220	532	4.1
ORIGINAL PROCEEDINGS ³	665	95.2	633	621	2	10	-	-	-
TENTH CIRCUIT	2,461	54.2	1,335	1,046	116	121	51	1	9.9
CRIMINAL	463	76.7	355	280	37	24	14	-	6.8
U.S. PRISONER PETITIONS	261	42.5	111	82	20	4	5	-	3.6
OTHER U.S. CIVIL	205	67.3	138	98	4	25	11	-	18.1
PRIV. PRISONER PETITIONS	531	32.2	171	120	27	19	4	1	11.1
OTHER PRIVATE CIVIL	633	53.2	337	273	9	41	14	-	12.2
BANKRUPTCY	54	53.7	29	21	5	3	-	-	10.3
ADMINISTRATIVE APPEALS	131	55.7	73	58	8	4	3	-	5.5
ORIGINAL PROCEEDINGS ³	183	66.1	121	114	6	1	-	-	-

Table B-5. (December 31, 2004—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
ELEVENTH CIRCUIT	6,758	44.4	2,998	2,507	216	247	13	15	9.6
CRIMINAL	1,564	69.9	1,093	927	83	72	3	8	6.6
U.S. PRISONER PETITIONS	852	17.3	147	113	10	22	2	-	15.0
OTHER U.S. CIVIL	303	57.1	173	142	4	27	-	-	15.6
PRIV. PRISONER PETITIONS	1,319	19.6	258	141	91	26	-	-	10.1
OTHER PRIVATE CIVIL	1,612	41.3	666	545	26	87	4	4	13.1
BANKRUPTCY	62	51.6	32	25	1	4	-	2	12.5
ADMINISTRATIVE APPEALS	450	41.8	188	174	1	8	4	1	4.3
ORIGINAL PROCEEDINGS ³	596	74.0	441	440	-	1	-	-	-

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

¹ TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS.

² PERCENT CHANGE NOT COMPUTED WHEN FEWER THAN 10 CASES REPORTED FOR THE PREVIOUS PERIOD. NO PERCENTAGES OF CASES REVERSED OR DENIED HAVE BEEN COMPUTED FOR ORIGINAL PROCEEDINGS BECAUSE OF THEIR DIFFERENCE FROM APPEALS, NOR HAVE THEY BEEN INCLUDED IN THE PERCENTAGE OF TOTAL APPEALS REVERSED.

³ BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.