

Table B-5.
U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit
During the 12-Month Period Ending December 31, 2008

| 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 | 59,283 | 48.8 | 28,918 | 22,852 | 2,230 | 2,522 | 665 | 649 | 9.3 |
| CRIMINAL | 13,549 | 69.3 | 9,396 | 7,611 | 889 | 621 | 228 | 47 | 6.6 |
| U.S. PRISONER PETITIONS | 4,886 | 27.1 | 1,324 | 1,027 | 130 | 129 | 30 | 8 | 9.7 |
| OTHER U.S. CIVIL | 2,952 | 57.9 | 1,710 | 1,350 | 105 | 201 | 46 | 8 | 11.8 |
| PRIV. PRISONER PETITIONS | 10,768 | 23.8 | 2,567 | 1,896 | 362 | 249 | 44 | 16 | 9.7 |
| OTHER PRIVATE CIVIL | 12,014 | 49.8 | 5,978 | 4,766 | 246 | 814 | 125 | 27 | 13.6 |
| BANKRUPTCY | 856 | 50.4 | 431 | 325 | 28 | 67 | 4 | 7 | 15.5 |
| ADMINISTRATIVE APPEALS | 10,651 | 50.2 | 5,345 | 3,816 | 397 | 408 | 188 | 536 | 7.6 |
| ORIGINAL PROCEEDINGS | 3,607 | 60.1 | 2,167 | 2,061 | 73 | 33 | - | - | - |
| DISTRICT OF COLUMBIA | 1,289 | 44.6 | 575 | 415 | 76 | 63 | 21 | - | 11.8 |
| CRIMINAL | 136 | 46.3 | 63 | 53 | 2 | 6 | 2 | - | 9.5 |
| U.S. PRISONER PETITIONS | 177 | 33.9 | 60 | 45 | 5 | 2 | 8 | - | 3.3 |
| OTHER U.S. CIVIL | 257 | 68.5 | 176 | 114 | 38 | 17 | 7 | - | 9.7 |
| PRIV. PRISONER PETITIONS | 16 | 25.0 | 4 | 3 | 1 | - | - | - | - |
| OTHER PRIVATE CIVIL | 188 | 58.5 | 110 | 77 | 16 | 15 | 2 | - | 13.6 |
| BANKRUPTCY | 2 | - | - | - | - | - | - | - | - |
| ADMINISTRATIVE APPEALS | 422 | 24.2 | 102 | 65 | 14 | 21 | 2 | - | 20.6 |
| ORIGINAL PROCEEDINGS | 91 | 65.9 | 60 | 58 | - | 2 | - | - | - |
| FIRST CIRCUIT | 1,732 | 59.2 | 1,025 | 855 | 66 | 80 | 24 | - | 8.2 |
| CRIMINAL | 612 | 68.6 | 420 | 353 | 23 | 33 | 11 | - | 7.9 |
| U.S. PRISONER PETITIONS | 119 | 37.8 | 45 | 33 | 5 | 7 | - | - | 15.6 |
| OTHER U.S. CIVIL | 97 | 58.8 | 57 | 42 | 5 | 10 | - | - | 17.5 |
| PRIV. PRISONER PETITIONS | 167 | 29.3 | 49 | 43 | 2 | 3 | 1 | - | 6.1 |
| OTHER PRIVATE CIVIL | 436 | 53.0 | 231 | 191 | 9 | 24 | 7 | - | 10.4 |
| BANKRUPTCY | 26 | 57.7 | 15 | 11 | 3 | 1 | - | - | 6.7 |
| ADMINISTRATIVE APPEALS | 217 | 71.4 | 155 | 130 | 18 | 2 | 5 | - | 1.3 |
| ORIGINAL PROCEEDINGS | 58 | 91.4 | 53 | 52 | 1 | - | - | - | - |
| SECOND CIRCUIT | 6,521 | 43.9 | 2,862 | 2,226 | 319 | 202 | 108 | 7 | 7.4 |
| CRIMINAL | 1,227 | 57.8 | 709 | 616 | 28 | 36 | 28 | 1 | 5.1 |
| U.S. PRISONER PETITIONS | 236 | 16.5 | 39 | 18 | 11 | 3 | 7 | - | 7.7 |
| OTHER U.S. CIVIL | 225 | 44.0 | 99 | 69 | 14 | 9 | 7 | - | 9.1 |
| PRIV. PRISONER PETITIONS | 769 | 14.7 | 113 | 66 | 33 | 8 | 5 | 1 | 7.1 |
| OTHER PRIVATE CIVIL | 1,332 | 38.8 | 517 | 373 | 65 | 43 | 36 | - | 8.3 |
| BANKRUPTCY | 105 | 32.4 | 34 | 25 | 2 | 5 | 2 | - | 14.7 |
| ADMINISTRATIVE APPEALS | 2,414 | 49.8 | 1,203 | 976 | 103 | 96 | 23 | 5 | 8.0 |
| ORIGINAL PROCEEDINGS | 213 | 69.5 | 148 | 83 | 63 | 2 | - | - | - |

Table B-5. (December 31, 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 | 3,922 | 57.1 | 2,239 | 1,892 | 84 | 216 | 44 | 3 | 10.3 |
| CRIMINAL | 785 | 76.9 | 604 | 538 | 10 | 47 | 7 | 2 | 7.8 |
| U.S. PRISONER PETITIONS | 320 | 44.1 | 141 | 114 | 9 | 16 | 2 | - | 11.3 |
| OTHER U.S. CIVIL | 171 | 64.9 | 111 | 96 | 2 | 11 | 2 | - | 9.9 |
| PRIV. PRISONER PETITIONS | 724 | 24.7 | 179 | 123 | 31 | 20 | 5 | - | 11.2 |
| OTHER PRIVATE CIVIL | 940 | 55.0 | 517 | 412 | 18 | 80 | 7 | - | 15.5 |
| BANKRUPTCY | 82 | 50.0 | 41 | 32 | 3 | 6 | - | - | 14.6 |
| ADMINISTRATIVE APPEALS | 711 | 69.3 | 493 | 426 | 11 | 34 | 21 | 1 | 6.9 |
| ORIGINAL PROCEEDINGS | 189 | 81.0 | 153 | 151 | - | 2 | - | - | - |
| FOURTH CIRCUIT | 4,835 | 51.9 | 2,510 | 2,157 | 167 | 124 | 57 | 5 | 5.4 |
| CRIMINAL | 1,155 | 74.5 | 860 | 712 | 61 | 51 | 33 | 3 | 5.9 |
| U.S. PRISONER PETITIONS | 971 | 40.4 | 392 | 355 | 22 | 12 | 3 | - | 3.1 |
| OTHER U.S. CIVIL | 201 | 61.7 | 124 | 106 | 11 | 6 | 1 | - | 4.8 |
| PRIV. PRISONER PETITIONS | 1,170 | 24.7 | 289 | 235 | 44 | 9 | 1 | - | 3.1 |
| OTHER PRIVATE CIVIL | 702 | 52.1 | 366 | 311 | 17 | 31 | 7 | - | 8.5 |
| BANKRUPTCY | 46 | 58.7 | 27 | 19 | 1 | 7 | - | - | 25.9 |
| ADMINISTRATIVE APPEALS | 305 | 66.6 | 203 | 173 | 11 | 5 | 12 | 2 | 2.5 |
| ORIGINAL PROCEEDINGS | 285 | 87.4 | 249 | 246 | - | 3 | - | - | - |
| FIFTH CIRCUIT | 7,603 | 49.4 | 3,757 | 2,881 | 512 | 296 | 68 | - | 8.4 |
| CRIMINAL | 2,394 | 71.9 | 1,722 | 1,279 | 346 | 76 | 21 | - | 4.4 |
| U.S. PRISONER PETITIONS | 540 | 20.7 | 112 | 62 | 34 | 16 | - | - | 14.3 |
| OTHER U.S. CIVIL | 333 | 57.7 | 192 | 169 | 5 | 17 | 1 | - | 8.9 |
| PRIV. PRISONER PETITIONS | 1,853 | 18.6 | 344 | 210 | 93 | 40 | 1 | - | 11.6 |
| OTHER PRIVATE CIVIL | 1,368 | 58.1 | 795 | 623 | 29 | 131 | 12 | - | 16.5 |
| BANKRUPTCY | 129 | 56.6 | 73 | 63 | 1 | 9 | - | - | 12.3 |
| ADMINISTRATIVE APPEALS | 554 | 41.5 | 230 | 192 | 1 | 4 | 33 | - | 1.7 |
| ORIGINAL PROCEEDINGS | 432 | 66.9 | 289 | 283 | 3 | 3 | - | - | - |
| SIXTH CIRCUIT | 4,802 | 51.7 | 2,483 | 2,166 | 33 | 231 | 49 | 4 | 10.5 |
| CRIMINAL | 1,113 | 65.3 | 727 | 635 | 9 | 59 | 23 | 1 | 8.1 |
| U.S. PRISONER PETITIONS | 328 | 29.6 | 97 | 79 | 3 | 10 | 3 | 2 | 10.3 |
| OTHER U.S. CIVIL | 209 | 54.5 | 114 | 102 | 3 | 8 | 1 | - | 7.0 |
| PRIV. PRISONER PETITIONS | 1,036 | 29.4 | 305 | 253 | 2 | 46 | 4 | - | 15.1 |
| OTHER PRIVATE CIVIL | 1,256 | 50.7 | 637 | 536 | 11 | 87 | 3 | - | 13.7 |
| BANKRUPTCY | 53 | 66.0 | 35 | 29 | 2 | 4 | - | - | 11.4 |
| ADMINISTRATIVE APPEALS | 432 | 62.0 | 268 | 234 | 3 | 15 | 15 | 1 | 5.6 |
| ORIGINAL PROCEEDINGS | 375 | 80.0 | 300 | 298 | - | 2 | - | - | - |

Table B-5. (December 31, 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 | 3,301 | 43.0 | 1,420 | 1,052 | 92 | 198 | 22 | 56 | 15.1 |
| CRIMINAL | 741 | 59.9 | 444 | 297 | 78 | 52 | 13 | 4 | 11.7 |
| U.S. PRISONER PETITIONS | 482 | 21.2 | 102 | 77 | 2 | 21 | - | 2 | 20.6 |
| OTHER U.S. CIVIL | 160 | 56.9 | 91 | 69 | - | 17 | - | 5 | 18.7 |
| PRIV. PRISONER PETITIONS | 574 | 22.5 | 129 | 101 | 3 | 20 | 2 | 3 | 15.5 |
| OTHER PRIVATE CIVIL | 883 | 44.3 | 391 | 305 | 5 | 65 | 4 | 12 | 16.6 |
| BANKRUPTCY | 58 | 39.7 | 23 | 15 | - | 4 | - | 4 | 17.4 |
| ADMINISTRATIVE APPEALS | 235 | 55.7 | 131 | 82 | 1 | 19 | 3 | 26 | 14.5 |
| ORIGINAL PROCEEDINGS | 168 | 64.9 | 109 | 106 | 3 | - | - | - | - |
| EIGHTH CIRCUIT | 3,045 | 62.3 | 1,896 | 1,608 | 116 | 146 | 25 | 1 | 8.5 |
| CRIMINAL | 1,014 | 77.6 | 787 | 656 | 52 | 66 | 12 | 1 | 8.4 |
| U.S. PRISONER PETITIONS | 257 | 30.0 | 77 | 71 | 2 | 4 | - | - | 5.2 |
| OTHER U.S. CIVIL | 149 | 72.5 | 108 | 88 | 6 | 11 | 3 | - | 10.2 |
| PRIV. PRISONER PETITIONS | 557 | 39.5 | 220 | 193 | 10 | 9 | 8 | - | 4.1 |
| OTHER PRIVATE CIVIL | 650 | 57.7 | 375 | 310 | 23 | 41 | 1 | - | 10.9 |
| BANKRUPTCY | 43 | 60.5 | 26 | 14 | 2 | 10 | - | - | 38.5 |
| ADMINISTRATIVE APPEALS | 153 | 61.4 | 94 | 70 | 21 | 2 | 1 | - | 2.1 |
| ORIGINAL PROCEEDINGS | 222 | 94.1 | 209 | 206 | - | 3 | - | - | - |
| NINTH CIRCUIT | 12,586 | 43.9 | 5,527 | 3,924 | 307 | 594 | 146 | 556 | 10.8 |
| CRIMINAL | 1,737 | 68.8 | 1,195 | 977 | 64 | 93 | 37 | 24 | 7.8 |
| U.S. PRISONER PETITIONS | 434 | 20.0 | 87 | 61 | 5 | 14 | 3 | 4 | 16.1 |
| OTHER U.S. CIVIL | 689 | 57.2 | 394 | 301 | 9 | 73 | 8 | 3 | 18.5 |
| PRIV. PRISONER PETITIONS | 1,941 | 24.7 | 479 | 404 | 7 | 47 | 10 | 11 | 9.8 |
| OTHER PRIVATE CIVIL | 2,158 | 47.5 | 1,025 | 796 | 26 | 173 | 17 | 13 | 16.9 |
| BANKRUPTCY | 178 | 48.3 | 86 | 68 | 5 | 8 | 2 | 3 | 9.3 |
| ADMINISTRATIVE APPEALS | 4,531 | 46.7 | 2,116 | 1,186 | 189 | 174 | 69 | 498 | 8.2 |
| ORIGINAL PROCEEDINGS | 918 | 15.8 | 145 | 131 | 2 | 12 | - | - | - |
| TENTH CIRCUIT | 2,405 | 61.4 | 1,476 | 1,077 | 207 | 100 | 89 | 3 | 7.2 |
| CRIMINAL | 665 | 83.2 | 553 | 374 | 107 | 34 | 38 | - | 6.1 |
| U.S. PRISONER PETITIONS | 234 | 36.3 | 85 | 50 | 24 | 7 | 4 | - | 8.2 |
| OTHER U.S. CIVIL | 163 | 65.0 | 106 | 80 | 3 | 8 | 15 | - | 7.5 |
| PRIV. PRISONER PETITIONS | 432 | 36.3 | 157 | 108 | 36 | 7 | 6 | - | 4.5 |
| OTHER PRIVATE CIVIL | 579 | 60.6 | 351 | 285 | 10 | 34 | 22 | - | 9.7 |
| BANKRUPTCY | 44 | 63.6 | 28 | 16 | 6 | 6 | - | - | 21.4 |
| ADMINISTRATIVE APPEALS | 102 | 71.6 | 73 | 43 | 21 | 2 | 4 | 3 | 2.7 |
| ORIGINAL PROCEEDINGS | 186 | 66.1 | 123 | 121 | - | 2 | - | - | - |

Table B-5. (December 31, 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 | 7,242 | 43.5 | 3,148 | 2,599 | 251 | 272 | 12 | 14 | 9.6 |
| CRIMINAL | 1,970 | 66.6 | 1,312 | 1,121 | 109 | 68 | 3 | 11 | 5.2 |
| U.S. PRISONER PETITIONS | 788 | 11.0 | 87 | 62 | 8 | 17 | - | - | 19.5 |
| OTHER U.S. CIVIL | 298 | 46.3 | 138 | 114 | 9 | 14 | 1 | - | 10.1 |
| PRIV. PRISONER PETITIONS | 1,529 | 19.6 | 299 | 157 | 100 | 40 | 1 | 1 | 13.4 |
| OTHER PRIVATE CIVIL | 1,522 | 43.6 | 663 | 547 | 17 | 90 | 7 | 2 | 13.6 |
| BANKRUPTCY | 90 | 47.8 | 43 | 33 | 3 | 7 | - | - | 16.3 |
| ADMINISTRATIVE APPEALS | 575 | 48.2 | 277 | 239 | 4 | 34 | - | - | 12.3 |
| ORIGINAL PROCEEDINGS | 470 | 70.0 | 329 | 326 | 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 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.