

Table B-5.
U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit
During the 12-Month Period Ending December 31, 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	61,024	51.0	31,106	25,163	2,247	2,572	529	595	8.8
CRIMINAL	14,145	70.9	10,031	8,111	1,073	602	191	54	6.0
U.S. PRISONER PETITIONS	5,517	34.0	1,876	1,627	122	101	18	8	5.4
OTHER U.S. CIVIL	3,149	53.9	1,696	1,356	59	237	39	5	14.0
PRIV. PRISONER PETITIONS	10,463	27.1	2,833	2,169	304	283	48	29	10.0
OTHER PRIVATE CIVIL	12,543	50.6	6,343	5,141	227	865	86	24	13.6
BANKRUPTCY	886	48.5	430	339	34	52	5	-	12.1
ADMINISTRATIVE APPEALS	10,640	52.4	5,575	4,330	222	406	142	475	7.3
ORIGINAL PROCEEDINGS	3,681	63.1	2,322	2,090	206	26	-	-	-
DISTRICT OF COLUMBIA	1,286	39.7	511	416	27	56	12	-	11.1
CRIMINAL	118	46.6	55	42	2	6	5	-	10.9
U.S. PRISONER PETITIONS	146	38.4	56	50	3	3	-	-	5.4
OTHER U.S. CIVIL	270	51.5	139	114	4	19	2	-	13.7
PRIV. PRISONER PETITIONS	17	58.8	10	9	-	1	-	-	10.0
OTHER PRIVATE CIVIL	121	61.2	74	64	2	7	1	-	9.5
BANKRUPTCY	2	100.0	2	2	-	-	-	-	-
ADMINISTRATIVE APPEALS	543	24.3	132	96	16	16	4	-	12.1
ORIGINAL PROCEEDINGS	69	62.3	43	39	-	4	-	-	-
FIRST CIRCUIT	1,801	58.2	1,049	897	53	86	12	1	8.4
CRIMINAL	655	65.8	431	381	17	28	4	1	6.5
U.S. PRISONER PETITIONS	111	30.6	34	25	7	2	-	-	5.9
OTHER U.S. CIVIL	99	64.6	64	57	-	5	2	-	7.8
PRIV. PRISONER PETITIONS	173	37.6	65	55	6	4	-	-	6.2
OTHER PRIVATE CIVIL	438	52.5	230	183	10	36	1	-	15.7
BANKRUPTCY	44	47.7	21	14	5	2	-	-	9.5
ADMINISTRATIVE APPEALS	212	66.0	140	121	8	6	5	-	4.3
ORIGINAL PROCEEDINGS	69	92.8	64	61	-	3	-	-	-
SECOND CIRCUIT	6,897	48.2	3,327	2,803	250	228	45	1	7.3
CRIMINAL	915	55.6	509	465	12	26	6	-	5.1
U.S. PRISONER PETITIONS	218	13.8	30	23	-	7	-	-	23.3
OTHER U.S. CIVIL	291	43.6	127	104	1	21	1	-	16.5
PRIV. PRISONER PETITIONS	767	18.6	143	125	1	14	3	-	9.8
OTHER PRIVATE CIVIL	2,035	42.2	858	719	14	110	15	-	12.8
BANKRUPTCY	155	28.4	44	38	1	5	-	-	11.4
ADMINISTRATIVE APPEALS	2,275	62.3	1,418	1,329	23	45	20	1	3.2
ORIGINAL PROCEEDINGS	241	82.2	198	-	198	-	-	-	-

Table B-5. (December 31, 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	4,197	58.8	2,467	2,070	98	247	51	1	10.7
CRIMINAL	956	81.4	778	700	13	54	11	-	6.9
U.S. PRISONER PETITIONS	335	37.9	127	100	11	16	-	-	12.6
OTHER U.S. CIVIL	207	62.8	130	104	7	15	4	-	11.5
PRIV. PRISONER PETITIONS	733	27.6	202	135	31	32	3	1	15.8
OTHER PRIVATE CIVIL	1,063	57.9	616	498	28	86	4	-	14.0
BANKRUPTCY	80	47.5	38	31	5	2	-	-	5.3
ADMINISTRATIVE APPEALS	598	65.7	393	321	3	40	29	-	10.2
ORIGINAL PROCEEDINGS	225	81.3	183	181	-	2	-	-	-
FOURTH CIRCUIT	5,340	58.0	3,098	2,765	138	125	67	3	4.5
CRIMINAL	1,113	79.9	889	752	49	47	40	1	5.3
U.S. PRISONER PETITIONS	1,637	50.4	825	785	24	10	6	-	1.2
OTHER U.S. CIVIL	240	55.0	132	114	7	11	-	-	8.3
PRIV. PRISONER PETITIONS	824	31.9	263	234	21	6	2	-	2.3
OTHER PRIVATE CIVIL	745	56.9	424	352	24	41	7	-	9.7
BANKRUPTCY	61	49.2	30	24	3	2	1	-	6.7
ADMINISTRATIVE APPEALS	359	64.3	231	200	10	8	11	2	3.5
ORIGINAL PROCEEDINGS	361	84.2	304	304	-	-	-	-	-
FIFTH CIRCUIT	7,613	50.0	3,803	2,746	730	280	47	-	7.9
CRIMINAL	2,488	70.6	1,757	1,126	551	57	23	-	3.2
U.S. PRISONER PETITIONS	551	23.6	130	95	27	6	2	-	4.6
OTHER U.S. CIVIL	326	50.6	165	134	10	20	1	-	12.1
PRIV. PRISONER PETITIONS	1,861	19.3	360	210	90	57	3	-	15.8
OTHER PRIVATE CIVIL	1,295	57.1	740	579	39	114	8	-	15.4
BANKRUPTCY	104	48.1	50	32	6	12	-	-	24.0
ADMINISTRATIVE APPEALS	572	50.2	287	261	7	9	10	-	3.1
ORIGINAL PROCEEDINGS	416	75.5	314	309	-	5	-	-	-
SIXTH CIRCUIT	4,753	51.5	2,450	2,120	43	234	53	-	10.6
CRIMINAL	1,143	65.3	746	631	13	84	18	-	11.3
U.S. PRISONER PETITIONS	284	27.5	78	70	4	4	-	-	5.1
OTHER U.S. CIVIL	252	42.5	107	90	2	10	5	-	9.3
PRIV. PRISONER PETITIONS	1,038	32.8	340	289	3	43	5	-	12.6
OTHER PRIVATE CIVIL	1,165	48.5	565	476	9	75	5	-	13.3
BANKRUPTCY	68	54.4	37	29	6	1	1	-	2.7
ADMINISTRATIVE APPEALS	442	65.6	290	253	6	12	19	-	4.1
ORIGINAL PROCEEDINGS	361	79.5	287	282	-	5	-	-	-

Table B-5. (December 31, 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	3,468	47.1	1,634	1,230	145	187	23	49	12.4
CRIMINAL	703	68.1	479	284	125	50	13	7	10.4
U.S. PRISONER PETITIONS	605	42.6	258	223	11	19	1	4	7.4
OTHER U.S. CIVIL	148	59.5	88	69	-	16	-	3	18.2
PRIV. PRISONER PETITIONS	648	19.6	127	105	2	17	-	3	13.4
OTHER PRIVATE CIVIL	921	44.0	405	333	4	60	3	5	14.8
BANKRUPTCY	48	52.1	25	18	1	6	-	-	24.0
ADMINISTRATIVE APPEALS	209	53.1	111	59	2	17	6	27	15.3
ORIGINAL PROCEEDINGS	186	75.8	141	139	-	2	-	-	-
EIGHTH CIRCUIT	3,285	66.7	2,190	1,852	154	165	17	2	8.4
CRIMINAL	1,177	80.6	949	790	84	64	10	1	6.7
U.S. PRISONER PETITIONS	294	29.3	86	79	3	1	2	1	1.2
OTHER U.S. CIVIL	189	71.4	135	107	11	15	2	-	11.1
PRIV. PRISONER PETITIONS	583	43.6	254	223	16	14	1	-	5.5
OTHER PRIVATE CIVIL	606	65.2	395	317	21	56	1	-	14.2
BANKRUPTCY	39	61.5	24	17	1	6	-	-	25.0
ADMINISTRATIVE APPEALS	140	73.6	103	83	12	7	1	-	6.8
ORIGINAL PROCEEDINGS	257	94.9	244	236	6	2	-	-	-
NINTH CIRCUIT	12,916	44.0	5,679	4,240	204	621	86	528	11.1
CRIMINAL	1,733	68.7	1,190	1,028	27	78	19	38	6.6
U.S. PRISONER PETITIONS	450	17.3	78	61	4	10	-	3	12.8
OTHER U.S. CIVIL	668	57.2	382	299	5	71	5	2	18.6
PRIV. PRISONER PETITIONS	2,166	30.6	662	556	10	55	16	25	8.3
OTHER PRIVATE CIVIL	2,220	50.2	1,115	872	33	180	13	17	16.1
BANKRUPTCY	195	56.4	110	96	4	10	-	-	9.1
ADMINISTRATIVE APPEALS	4,615	44.4	2,050	1,237	121	216	33	443	10.5
ORIGINAL PROCEEDINGS	869	10.6	92	91	-	1	-	-	-
TENTH CIRCUIT	2,431	60.8	1,479	1,105	180	88	103	3	6.3
CRIMINAL	659	83.3	549	390	96	25	38	-	4.6
U.S. PRISONER PETITIONS	282	32.6	92	62	16	7	7	-	7.6
OTHER U.S. CIVIL	140	67.9	95	73	2	7	13	-	7.4
PRIV. PRISONER PETITIONS	441	32.7	144	93	31	6	14	-	4.2
OTHER PRIVATE CIVIL	626	62.3	390	307	21	37	24	1	9.5
BANKRUPTCY	30	66.7	20	12	2	3	3	-	15.0
ADMINISTRATIVE APPEALS	109	74.3	81	62	12	1	4	2	1.2
ORIGINAL PROCEEDINGS	144	75.0	108	106	-	2	-	-	-

Table B-5. (December 31, 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	7,037	48.6	3,419	2,919	225	255	13	7	8.3
CRIMINAL	2,485	68.4	1,699	1,522	84	83	4	6	4.9
U.S. PRISONER PETITIONS	604	13.6	82	54	12	16	-	-	19.5
OTHER U.S. CIVIL	319	41.4	132	91	10	27	4	-	20.5
PRIV. PRISONER PETITIONS	1,212	21.7	263	135	93	34	1	-	12.9
OTHER PRIVATE CIVIL	1,308	40.6	531	441	22	63	4	1	11.9
BANKRUPTCY	60	48.3	29	26	-	3	-	-	10.3
ADMINISTRATIVE APPEALS	566	59.9	339	308	2	29	-	-	8.6
ORIGINAL PROCEEDINGS	483	71.2	344	342	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.