

Table B-5.
U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit
During the 12-Month Period Ending March 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	59,604	48.8	29,066	23,097	2,054	2,634	558	723	9.6
CRIMINAL	13,718	69.3	9,506	7,706	884	651	202	63	6.8
U.S. PRISONER PETITIONS	5,157	29.5	1,523	1,235	130	126	25	7	8.3
OTHER U.S. CIVIL	3,000	57.5	1,724	1,372	91	209	42	10	12.1
PRIV. PRISONER PETITIONS	10,539	23.6	2,488	1,878	306	243	38	23	9.8
OTHER PRIVATE CIVIL	12,122	50.2	6,091	4,821	220	907	108	35	14.9
BANKRUPTCY	862	52.3	451	347	29	63	5	7	14.0
ADMINISTRATIVE APPEALS	10,639	49.1	5,225	3,819	285	405	138	578	7.8
ORIGINAL PROCEEDINGS	3,567	57.7	2,058	1,919	109	30	-	-	-
DISTRICT OF COLUMBIA	1,400	40.6	569	412	78	59	20	-	11.3
CRIMINAL	115	50.4	58	45	1	9	3	-	15.5
U.S. PRISONER PETITIONS	188	30.9	58	44	5	3	6	-	5.2
OTHER U.S. CIVIL	260	65.8	171	106	37	21	7	-	12.3
PRIV. PRISONER PETITIONS	13	30.8	4	3	1	-	-	-	-
OTHER PRIVATE CIVIL	175	58.3	102	77	16	8	1	-	7.8
BANKRUPTCY	3	33.3	1	1	-	-	-	-	-
ADMINISTRATIVE APPEALS	553	20.3	112	75	18	16	3	-	14.3
ORIGINAL PROCEEDINGS	93	67.7	63	61	-	2	-	-	-
FIRST CIRCUIT	1,579	61.8	976	813	61	79	22	1	8.5
CRIMINAL	570	72.8	415	355	22	26	11	1	6.3
U.S. PRISONER PETITIONS	109	41.3	45	34	6	5	-	-	11.1
OTHER U.S. CIVIL	77	67.5	52	39	3	10	-	-	19.2
PRIV. PRISONER PETITIONS	164	31.7	52	46	3	3	-	-	5.8
OTHER PRIVATE CIVIL	389	55.5	216	175	6	29	6	-	13.4
BANKRUPTCY	26	53.8	14	9	4	1	-	-	7.1
ADMINISTRATIVE APPEALS	198	70.7	140	113	17	5	5	-	3.6
ORIGINAL PROCEEDINGS	46	91.3	42	42	-	-	-	-	-
SECOND CIRCUIT	6,438	43.4	2,795	2,281	238	202	70	4	7.6
CRIMINAL	1,246	57.8	720	640	22	37	20	1	5.1
U.S. PRISONER PETITIONS	220	16.4	36	23	3	5	5	-	13.9
OTHER U.S. CIVIL	219	43.8	96	75	6	12	3	-	12.5
PRIV. PRISONER PETITIONS	749	14.3	107	70	24	9	3	1	8.4
OTHER PRIVATE CIVIL	1,453	38.7	562	447	27	63	25	-	11.2
BANKRUPTCY	95	44.2	42	35	-	5	2	-	11.9
ADMINISTRATIVE APPEALS	2,234	48.2	1,077	942	51	70	12	2	6.5
ORIGINAL PROCEEDINGS	222	69.8	155	49	105	1	-	-	-

Table B-5. (March 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	3,892	56.8	2,211	1,839	72	250	49	1	12.0
CRIMINAL	814	77.5	631	563	12	47	9	-	7.4
U.S. PRISONER PETITIONS	323	41.2	133	102	8	22	1	-	16.5
OTHER U.S. CIVIL	182	62.1	113	95	2	12	4	-	10.6
PRIV. PRISONER PETITIONS	670	24.0	161	112	22	21	5	1	13.0
OTHER PRIVATE CIVIL	965	54.8	529	405	17	100	7	-	18.9
BANKRUPTCY	83	50.6	42	33	3	6	-	-	14.3
ADMINISTRATIVE APPEALS	683	67.3	460	389	8	40	23	-	8.7
ORIGINAL PROCEEDINGS	172	82.6	142	140	-	2	-	-	-
FOURTH CIRCUIT	5,051	53.2	2,687	2,358	151	127	49	2	5.1
CRIMINAL	1,116	76.0	848	710	62	49	26	1	5.8
U.S. PRISONER PETITIONS	1,219	44.8	546	511	19	12	4	-	2.2
OTHER U.S. CIVIL	202	61.9	125	112	7	6	-	-	4.8
PRIV. PRISONER PETITIONS	1,124	24.3	273	233	30	9	1	-	3.3
OTHER PRIVATE CIVIL	723	54.5	394	327	23	36	8	-	9.1
BANKRUPTCY	42	59.5	25	18	1	5	1	-	20.0
ADMINISTRATIVE APPEALS	331	64.7	214	188	9	7	9	1	3.3
ORIGINAL PROCEEDINGS	294	89.1	262	259	-	3	-	-	-
FIFTH CIRCUIT	7,316	48.8	3,570	2,693	521	291	65	-	8.8
CRIMINAL	2,344	69.5	1,629	1,172	363	71	23	-	4.4
U.S. PRISONER PETITIONS	499	23.0	115	63	40	12	-	-	10.4
OTHER U.S. CIVIL	319	56.7	181	160	4	15	2	-	8.3
PRIV. PRISONER PETITIONS	1,730	17.6	304	186	78	39	1	-	12.8
OTHER PRIVATE CIVIL	1,335	56.1	749	572	28	137	12	-	18.3
BANKRUPTCY	121	53.7	65	58	1	6	-	-	9.2
ADMINISTRATIVE APPEALS	559	42.0	235	197	4	7	27	-	3.0
ORIGINAL PROCEEDINGS	409	71.4	292	285	3	4	-	-	-
SIXTH CIRCUIT	4,864	50.9	2,478	2,134	42	245	54	3	11.0
CRIMINAL	1,127	65.1	734	629	11	67	26	1	9.1
U.S. PRISONER PETITIONS	316	29.1	92	76	3	9	3	1	9.8
OTHER U.S. CIVIL	237	50.6	120	107	4	7	2	-	5.8
PRIV. PRISONER PETITIONS	1,055	27.6	291	240	4	43	4	-	14.8
OTHER PRIVATE CIVIL	1,251	52.3	654	541	10	100	3	-	15.3
BANKRUPTCY	65	60.0	39	31	5	3	-	-	7.7
ADMINISTRATIVE APPEALS	451	60.3	272	237	5	13	16	1	4.8
ORIGINAL PROCEEDINGS	362	76.2	276	273	-	3	-	-	-

Table B-5. (March 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	3,416	45.6	1,559	1,143	116	207	25	68	14.5
CRIMINAL	766	62.0	475	301	100	54	13	7	11.4
U.S. PRISONER PETITIONS	556	30.4	169	141	5	20	-	3	11.8
OTHER U.S. CIVIL	166	54.8	91	64	-	21	-	6	23.1
PRIV. PRISONER PETITIONS	566	24.6	139	108	3	23	2	3	16.5
OTHER PRIVATE CIVIL	902	44.3	400	312	6	66	5	11	16.5
BANKRUPTCY	49	49.0	24	14	-	6	-	4	25.0
ADMINISTRATIVE APPEALS	229	58.1	133	76	1	17	5	34	12.8
ORIGINAL PROCEEDINGS	182	70.3	128	127	1	-	-	-	-
EIGHTH CIRCUIT	3,078	64.1	1,974	1,667	118	162	26	1	9.1
CRIMINAL	1,111	77.8	864	720	56	75	12	1	8.7
U.S. PRISONER PETITIONS	266	29.3	78	71	3	4	-	-	5.1
OTHER U.S. CIVIL	158	70.9	112	92	5	11	4	-	9.8
PRIV. PRISONER PETITIONS	531	41.6	221	194	8	11	8	-	5.0
OTHER PRIVATE CIVIL	595	60.5	360	292	23	44	1	-	12.2
BANKRUPTCY	43	60.5	26	15	2	9	-	-	34.6
ADMINISTRATIVE APPEALS	144	66.0	95	68	21	5	1	-	5.3
ORIGINAL PROCEEDINGS	230	94.8	218	215	-	3	-	-	-
NINTH CIRCUIT	12,705	43.3	5,504	3,925	246	624	84	625	11.2
CRIMINAL	1,684	70.4	1,186	974	54	99	20	39	8.3
U.S. PRISONER PETITIONS	416	19.7	82	60	5	12	2	3	14.6
OTHER U.S. CIVIL	701	59.1	414	328	10	68	4	4	16.4
PRIV. PRISONER PETITIONS	2,021	25.4	514	441	9	40	6	18	7.8
OTHER PRIVATE CIVIL	2,198	48.6	1,069	803	35	194	15	22	18.1
BANKRUPTCY	197	51.8	102	84	4	9	2	3	8.8
ADMINISTRATIVE APPEALS	4,566	46.2	2,109	1,215	129	194	35	536	9.2
ORIGINAL PROCEEDINGS	922	3.0	28	20	-	8	-	-	-
TENTH CIRCUIT	2,472	61.3	1,515	1,141	194	96	80	4	6.8
CRIMINAL	678	83.5	566	395	101	34	36	-	6.0
U.S. PRISONER PETITIONS	247	31.2	77	48	21	4	4	-	5.2
OTHER U.S. CIVIL	153	66.7	102	82	3	5	12	-	4.9
PRIV. PRISONER PETITIONS	450	33.6	151	107	31	6	7	-	4.0
OTHER PRIVATE CIVIL	629	64.1	403	332	13	39	19	-	9.7
BANKRUPTCY	42	59.5	25	13	6	6	-	-	24.0
ADMINISTRATIVE APPEALS	96	69.8	67	42	19	-	2	4	-
ORIGINAL PROCEEDINGS	177	70.1	124	122	-	2	-	-	-

Table B-5. (March 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	7,393	43.7	3,228	2,691	217	292	14	14	10.0
CRIMINAL	2,147	64.3	1,380	1,202	80	83	3	12	6.0
U.S. PRISONER PETITIONS	798	11.5	92	62	12	18	-	-	19.6
OTHER U.S. CIVIL	326	45.1	147	112	10	21	4	-	14.3
PRIV. PRISONER PETITIONS	1,466	18.5	271	138	93	39	1	-	14.4
OTHER PRIVATE CIVIL	1,507	43.3	653	538	16	91	6	2	13.9
BANKRUPTCY	96	47.9	46	36	3	7	-	-	15.2
ADMINISTRATIVE APPEALS	595	52.3	311	277	3	31	-	-	10.0
ORIGINAL PROCEEDINGS	458	71.6	328	326	-	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.