

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

**CLERK'S ANNUAL REPORT
JULY 2011 - JUNE 2012**

Published October 2012

P R E F A C E

This report provides information on the judicial business of the United States Court of Appeals for the Fifth Circuit for the period from July 1, 2011 through June 30, 2012.

Our statistics refer to both “appeals” and “cases.” The term “appeals” refers to all filings reported to the Administrative Office. This includes additional appeals, cross appeals, consolidated appeals, successive habeas corpus, paid and in forma pauperis mandamus applications, and petitions for review. The term “cases” refers to actual workload credit. An example would be a main appeal with a cross appeal. We count this as two “appeals,” but only one “case” because the court works on the main and the cross appeal together. “Cases” provide a more accurate and realistic picture of the actual workload of our judges.

A summary of the report appears at page (i).



LYLE W. CAYCE
CLERK

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SUMMARY OF ANNUAL REPORT

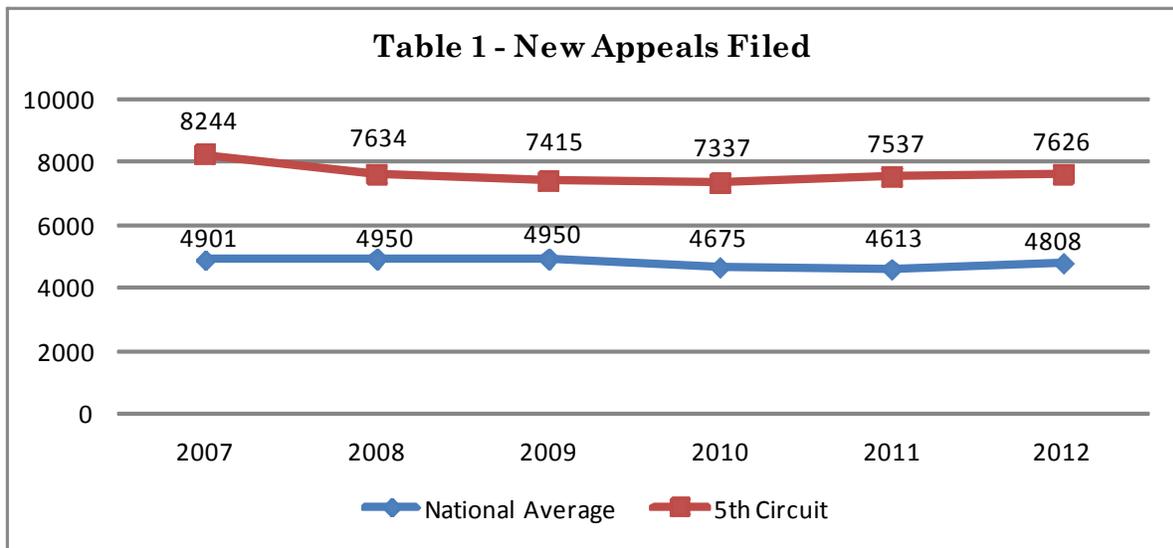
The following summarizes the court's judicial business in tabular form:

	2007	2008	2009	2010	2011	2012
New Appeals	8244	7634	7415	7337	7537	7626
Terminations	8797	7925	7266	7625	7801	7403
By Judges	6525	5827	4772	5045	4940	4671
By Clerk	2272	2098	1861	1869	2008	1880
By Consolidation	762	669	633	711	853	852
Pending Appeals	5845	4883	5031	4744	4479	4772
Total Cases Screened for Decision as to Oral Argument	4199	3548	2934	2999	3076	2886
Cases Sent to:						
Summary Calendar	1662	1627	1546	1681	1772	1641
Conference Calendar	1569	1054	578	534	411	414
Oral Argument Calendar	968	867	810	784	893	831
Summary Calendar Rate	63.2%	65.2%	65.6%	68.2%	66.5%	66.4%
Conference & Summary Calendar Rate	77.0%	75.6%	72.4%	73.9%	71.0%	71.2%
Cases Ready for Argument	206	174	98	89	41	130
Cases Pending Under Submission	156	165	174	139	173	143
90-day Cases	53	76	78	55	75	44
Total Opinions	4288	3778	3149	3210	3192	3024
Published Opinions	483	481	421	400	416	370
Unpublished Opinions	3805	3297	2728	2810	2776	2654
Opinions per Active Judge	249	210	158	164	166	144
Publication Rate	11.3%	12.7%	13.4%	12.5%	13.0%	12.2%
Page Length of Published Opinions	7.4	8.1	8.8	8.6	7.9	9.1
Participations per Active Judge in Opinions	747	630	474	492	498	432
En Banc Cases	5	3	4	6	5	6
Motions per Active Judge	1265	1124	872	937	937	1063

A. NEW FILINGS

1. New Appeals Filed

The chart below shows the “new appeals” filing trends in comparison to the national average filing trends. We experienced an 89 appeal increase (1.2%), to 7626 appeals. Prisoner appeals dropped by 153, (6.4%). Criminal appeals increased by 195 (7.8%), and bankruptcy appeals rose by 48 (60.0%).



2. Source of New Appeals by Type

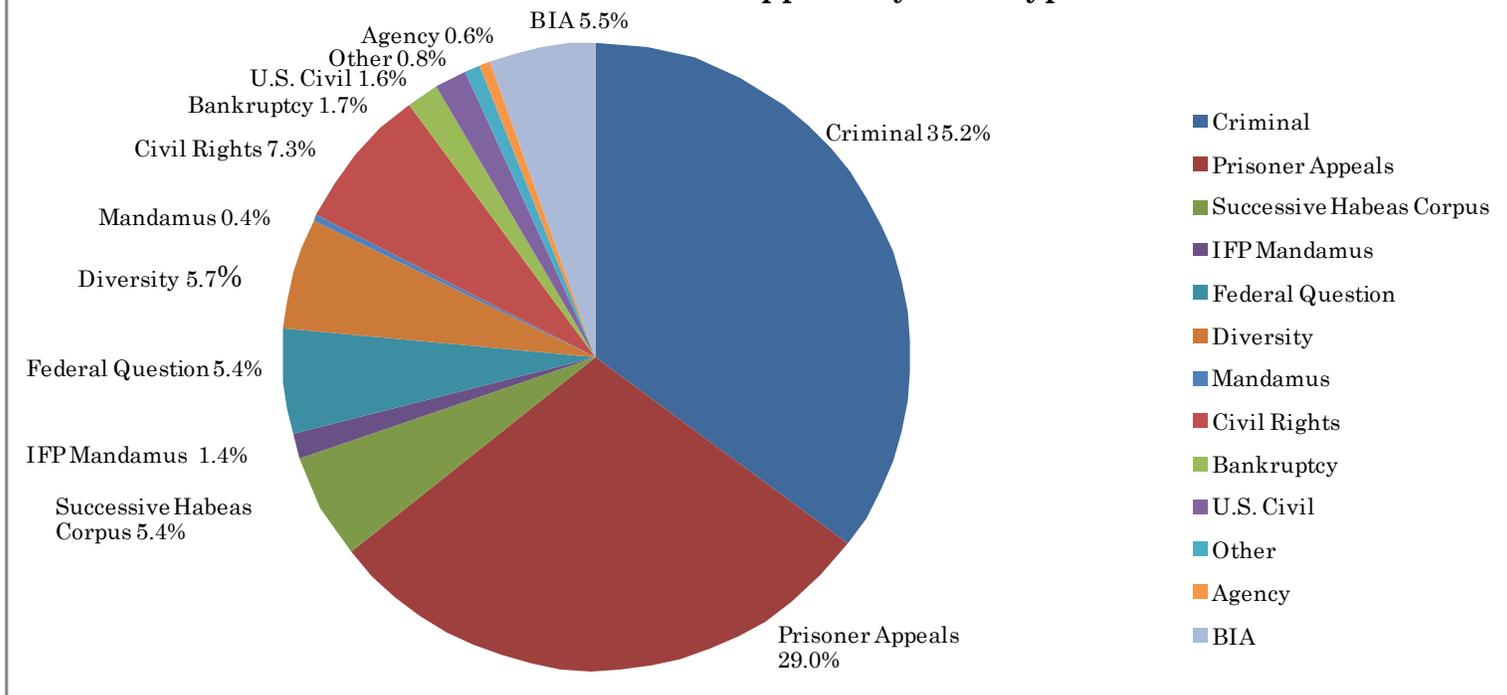
The source of appeals by type is found in the following tables, the first shows the six year trend; the second graphically displays the 2012 data. (See also column (d) of the monthly cumulative report of new appeals by type at **Enclosure A**, page 26.)

TABLE 2 - New Appeals by Case Type

TYPE	YEAR						Change from '11	
	2007	2008	2009	2010	2011	2012	No.	%
Criminal	2698	2419	2651	2362	2493	2688	+195	+7.8
Prisoner Appeals	2538	2411	2244	2322	2371	2218	-153	-6.4
Successive Habeas Corpus	429	367	314	364	410	410	0	0.0
IFP Mandamus	46	67	73	95	100	104	+4	+4.0
Federal Question	455	426	384	422	442	413	-29	-6.6
Diversity	466	402	380	408	410	433	+23	+5.6
U.S. Civil	155	130	116	127	136	125	-11	-8.1
Tax	23	30	49	22	40	20	-20	-50.0
Tax Court	22	28	21	24	20	13	-7	-35.0
Civil Rights	624	564	497	519	539	554	+15	+2.8
Bankruptcy	130	122	104	82	80	128	+48	+60.0
Social Security	64	66	43	36	23	25	+2	+8.7
NLRB*	11	9	--	--	--	--	--	--
BIA*	--	--	460	443	375	416	+41	+10.9
Mandamus	34	23	26	25	32	35	+3	+9.4
Agency*	549	570	53	86	66	44	-22	-33.3
	8244	7634	7415	7337	7537	7626	+89	+1.2

* Previously, National Labor Relations Board (NLRB) cases were reported separately from Agency cases. Since we now have a small number of NLRB cases and a significant number of immigration cases, we elected to report the NLRB cases in the total of the Agency category. We are now reporting immigration cases separately under the BIA category.

Table 3 - 2012 New Appeals by Case Type



Our biggest increase in filings was in criminal appeals. Prisoner appeals dropped significantly.

3. Source of New Appeals by Districts

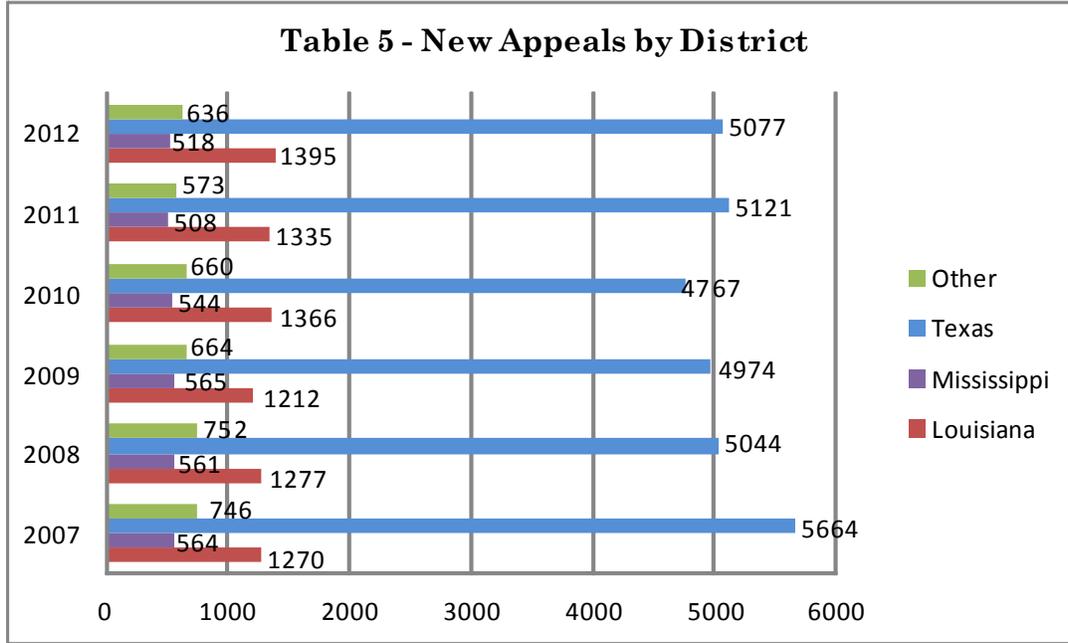
Five of the nine districts showed an increase in appeals filed. Western Texas and Middle Louisiana increased the most. Eastern Texas decreased the most.

**TABLE 4 - New Appeals by Districts
(All Appeals)**

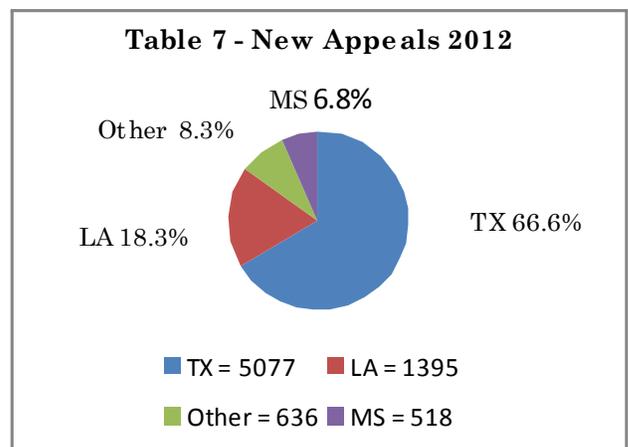
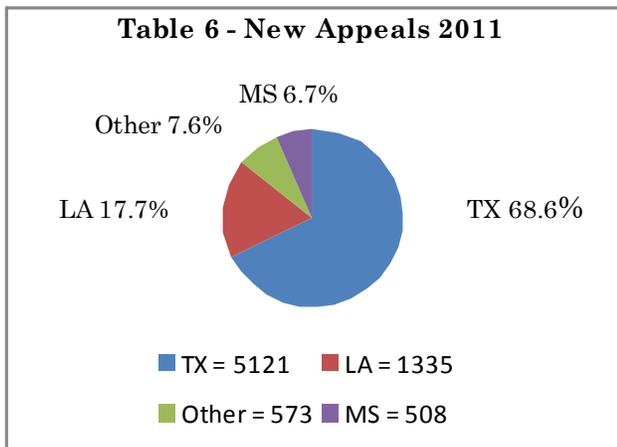
	2007	2008	2009	2010	2011	2012	Change from '11
Louisiana Eastern	625	598	518	674	644	635	-9
Louisiana Middle	214	186	193	219	242	287	+45
Louisiana Western	431	493	501	473	449	473	+24
Subtotal	1270	1277	1212	1366	1335	1395	+60
Mississippi Northern	203	191	171	184	186	178	-8
Mississippi Southern	361	370	394	360	322	340	+18
Subtotal	564	561	565	544	508	518	+10
Texas Northern	1486	1273	1339	1306	1338	1349	+11
Texas Southern	1904	1710	1675	1702	1850	1839	-11
Texas Eastern	534	630	649	497	665	545	-120
Texas Western	1740	1431	1311	1262	1268	1344	+76
Subtotal	5664	5044	4974	4767	5121	5077	-44
Agency*	549	570	53	86	66	43	-23
Bankruptcy	130	122	104	82	80	128	+48
U.S. Tax Court	22	28	21	24	20	13	-7
NLRB*	11	9	--	--	--	--	--
BIA*	--	--	460	443	375	417	+42
Mandamus	34	23	26	25	32	35	+3
Subtotal	746	752	664	660	573	636	+63
Total	8244	7634	7415	7337	7537	7626	+89

* Previously, National Labor Relations Board (NLRB) cases were reported separately from Agency cases. Since we now have a small number of NLRB cases and a significant number of immigration cases, we elected to report the NLRB cases in the total of the Agency category. We are now reporting immigration cases separately under the BIA category.

The graph below shows the six year trend of the appeals by states.



A comparison of the percentage of appeals by states for 2011 and 2012 is shown on the following charts:



B. CLOSED APPEALS

1. Yearly Comparison

The court disposed of 398 fewer **appeals** this year, a decrease of 5.1%. Likewise, there was a 5.7% decrease in **case** disposals.

TABLE 8 - Closed Appeals

	2007	2008	2009	2010	2011	2012	Change from '11	
All Appeals	9559	8594	7266	7625	7801	7403	-398	-5.1%
Cases	8797	7925	6633	6914	6948	6551	-397	-5.7%

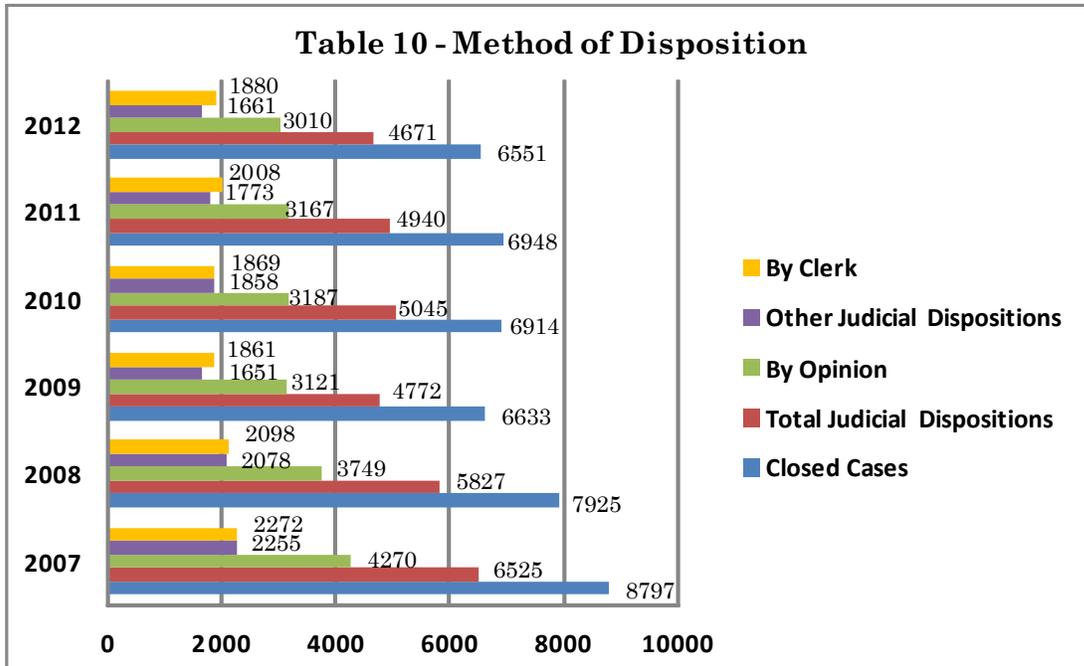
2. Method of Disposition

Overall, the court disposed of 397 fewer cases than last year. There were 157 fewer opinions, and other judicial dispositions decreased by 112. Clerk dispositions decreased by 128.

TABLE 9 - Method of Disposition

	2007	2008	2009	2010	2011	2012	Change from '11	
By Opinion*	4270	3749	3121	3187	3167	3010	-157	
Other Judicial Dispositions	2255	2078	1651	1858	1773	1661	-112	
Total Judicial Dispositions	6525	5827	4772	5045	4940	4671	-269	
By Clerk	2272	2098	1861	1869	2008	1880	-128	
Closed Cases	8797	7925	6633	6914	6948	6551	-397	

* Does not include 14 opinions which were non-dispositive.



C. UNDISPOSED OF (PENDING) APPEALS

The court disposed of 7403 **appeals** compared to 7626 filed. There are 4083 cases pending this year compared with 3830 last year.

TABLE 11 - Pending Appeals

	2007	2008	2009	2010	2011	2012	% Change from '11
All Appeals Pending	5845	4885	5031	4744	4479	4772	+6.5
Cases	5223	4351	4510	4093	3830	4083	+6.6

The 4083 pending cases are broken down into two sub-categories:

1. Cases Under Submission

Excluding cases consolidated for argument and decision (8), and held in abeyance by the judges (8), the pending cases argued and awaiting decision decreased from last year.

TABLE 12 - Cases Under Submission

	2007	2008	2009	2010	2011	2012
Active Judges	143	142	164	128	149	139
Senior & Visiting Judges	26	27	19	17	27	12
Total	169	169	183	145	176	151

2. Unassigned Carry-Over

All cases briefed but not yet argued or decided and all unbriefed cases are reported as “Unassigned Carry-Over” (see Table 14 for details). Unassigned cases increased, 281 more than last year. This leaves 3924 cases which are the immediate future workload of the court. The following chart gives the six year trend:

TABLE 13 - Unassigned Carry-Over

Year	Unassigned Cases	New Appeals	% Unassigned Cases to New Appeals
2007	5042	8244	61.2
2008	4171	7634	54.6
2009	4324	7415	58.3
2010	3939	7337	53.7
2011	3643	7537	48.3
2012	3924	7626	51.4

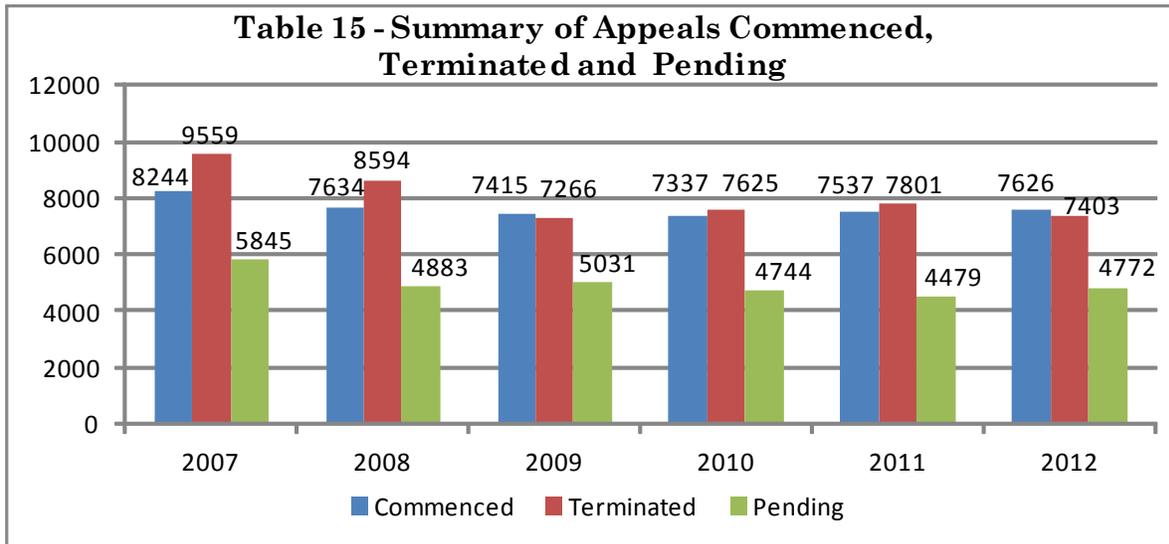
The 3924 unassigned cases fall into the following categories:

TABLE 14 - Unassigned Carry-Over by Category

Category	2011	2012
(a) Already Briefed		
Calendared for Oral Argument	162	90
Briefed but Held in Abeyance	17	5
Awaiting Assignment to Oral Argument Calendar	41	130
Being Screened	590	498
Assignment to Augean Conference	109	226
Awaiting Assignment to Conference Calendar	27	32
Sub Total	946	981
(b) Unbriefed Cases		
Pre-Briefing	1034	1150
Records Due	205	224
Being Briefed	1318	1330
Stayed/Held in Abeyance	40	85
Awaiting DC Action*	100	154
Sub Total	2697	2943
Total	3643	3924

* Cases "Awaiting DC Action" capture those cases unable to proceed because of pending motions with the district courts.

D. SUMMARY OF APPEALS COMMENCED, TERMINATED AND PENDING



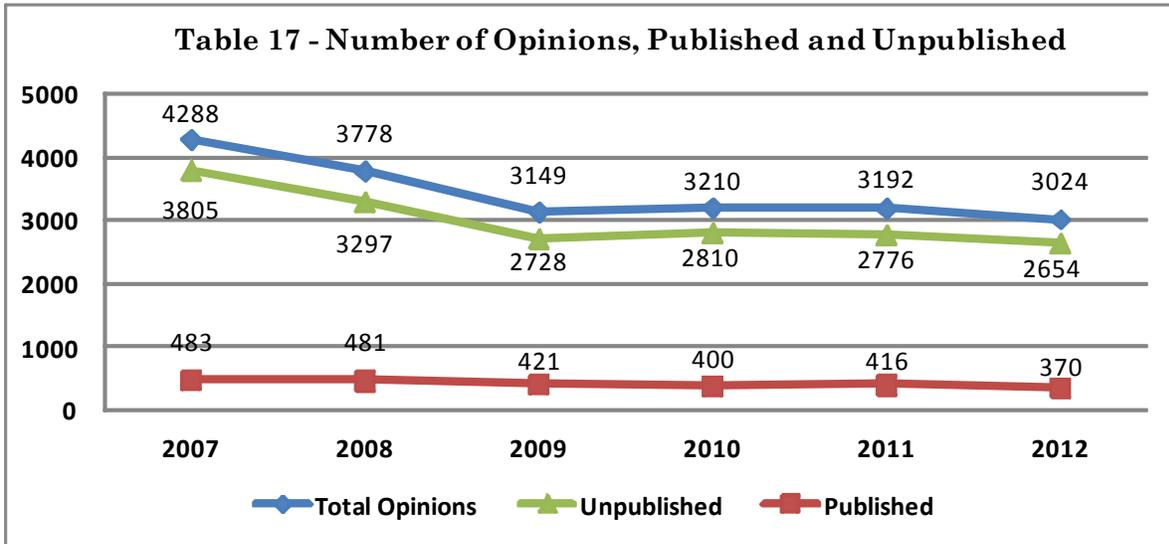
E. OPINIONS

1. Number of Opinions, Published and Unpublished

The total number of opinions decreased by 168. The figures for the total opinions, including the numbers published and unpublished for the last six years are:

TABLE 16 - Number of Opinions, Published and Unpublished

Year	Total Opinions	Published	Unpublished
2007	4288	483	3805
2008	3778	481	3297
2009	3149	421	2728
2010	3210	400	2820
2011	3192	416	2776
2012	3024	370	2654

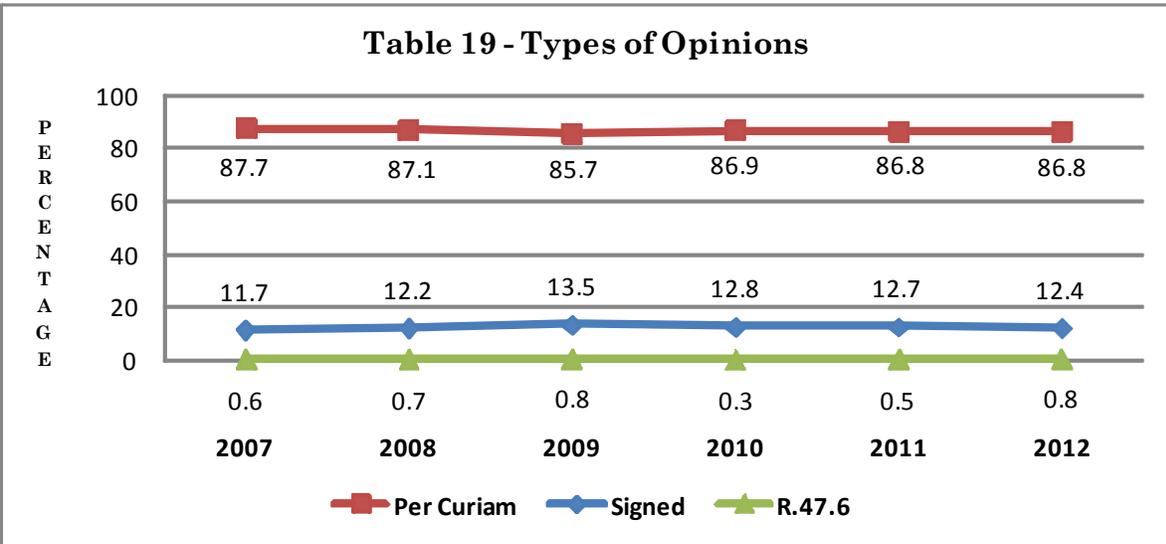


2. Types of Opinions

The percentage of signed opinions decreased by 0.3% this year, and the percentage of per curiam opinions remained the same.

TABLE 18 - Types of Opinions

Year	Signed	Per Curiam	Rule 47.6	Total
2007	11.7%	87.7%	.6%	100.0%
2008	12.2%	87.1%	.7%	100.0%
2009	13.5%	85.7%	.8%	100.0%
2010	12.8%	86.9%	.3%	100.0%
2011	12.7%	86.8%	.5%	100.0%
2012	12.4%	86.8%	.8%	100.0%



3. Breakdown of Types of Opinions by Summary, Oral Argument and Conference Calendars

The types of opinions on the summary, oral argument and conference calendars are as follows:

(a) Summary Calendar

The number of summary calendar decisions decreased by 137 from 1786 to 1649. The percentage of signed opinions on the summary calendar decreased by 1.3% while per curiam opinions increased by 1%.

TABLE 20 - Summary Calendar Opinions

Year	Signed	Per Curiam	Rule. 47.6	Total
2007	1.6%	98.2%	.2%	100.0%
2008	1.9%	97.7%	.4%	100.0%
2009	1.2%	98.5%	.3%	100.0%
2010	1.8%	98.1%	.1%	100.0%
2011	1.9%	98.1%	0%	100.0%
2012	.6%	99.1%	.3%	100.0%

(b) Oral Argument Calendar

The percentage of signed opinions on the oral argument calendar increased this year by 0.5%. The percentage of per curiam opinions decreased by 0.9%.

TABLE 21 - Oral Argument Opinions

Year	Signed	Per Curiam	Rule 47.6	Total
2007	48.0%	49.7%	2.3%	100.0%
2008	41.4%	56.8%	1.8%	100.0%
2009	40.5%	57.5%	2.0%	100.0%
2010	39.2%	59.8%	1.0%	100.0%
2011	37.5%	61.0%	1.5%	100.0%
2012	38.0%	60.1%	1.9%	100.0%

(c) Conference Calendar

There were 414 conference calendar opinions this year compared to 416 last year.

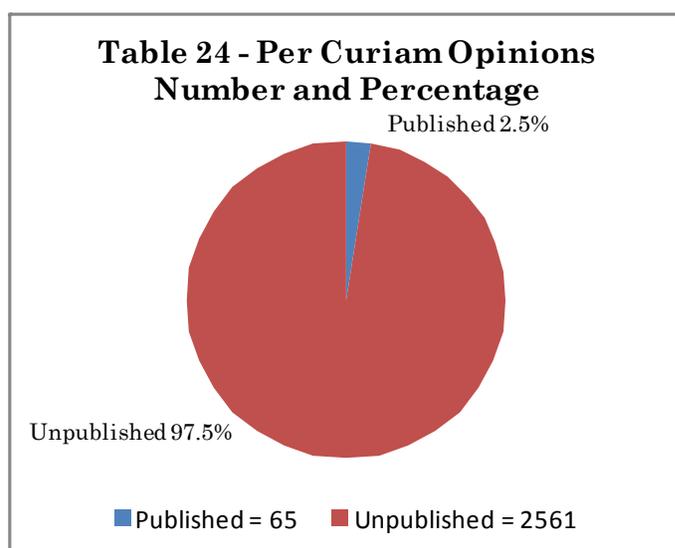
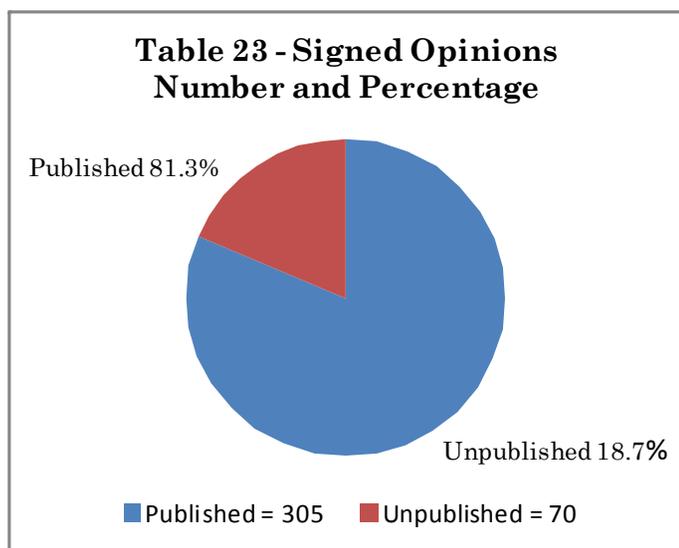
4. Published and Unpublished Opinions

Of the 3024 opinions, 370 (12.2%) were published. The number of published opinions decreased by 46 from the preceding year.

(a) Number and Percentage - 2012

TABLE 22 - Number and Percentage 2012

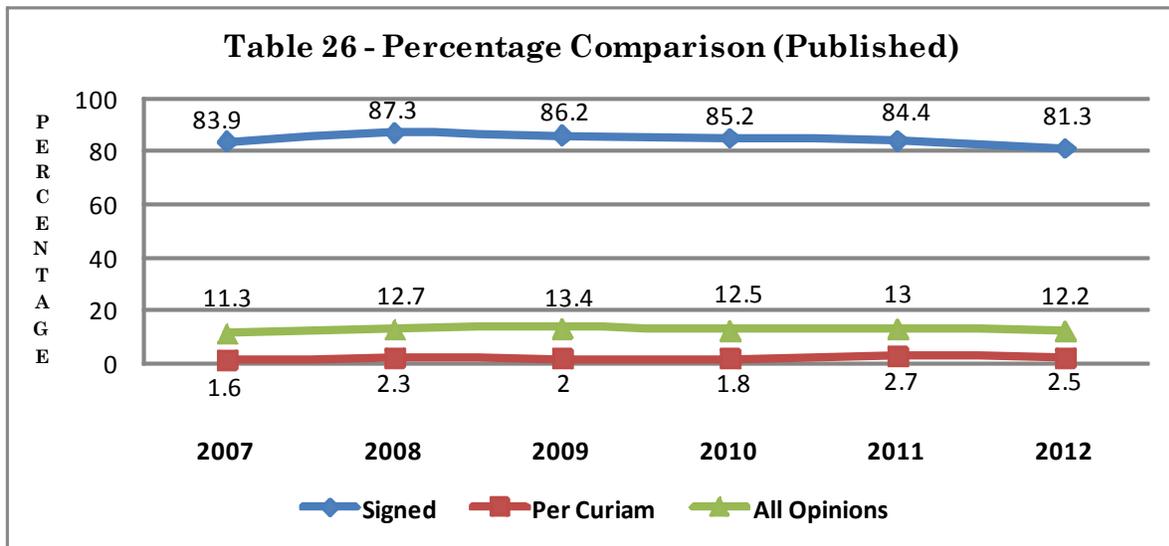
	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	305	81.3	70	18.7	375
Per Curiam Opinions	65	2.5	2561	97.5	2626
Rule 47.6 Opinions	–	–	23	100.0	23
Total	370	12.2	2654	87.8	3024



(b) Percentage Comparison (Published) - 2007 - 2012

TABLE 25 - Published Percentage

	% Published					
	2007	2008	2009	2010	2011	2012
Signed Opinions	83.9	87.3	86.2	85.2	84.4	81.3
Per Curiam Opinions	1.6	2.3	2.0	1.8	2.7	2.5
All Opinions	11.3	12.7	13.4	12.5	13.0	12.2

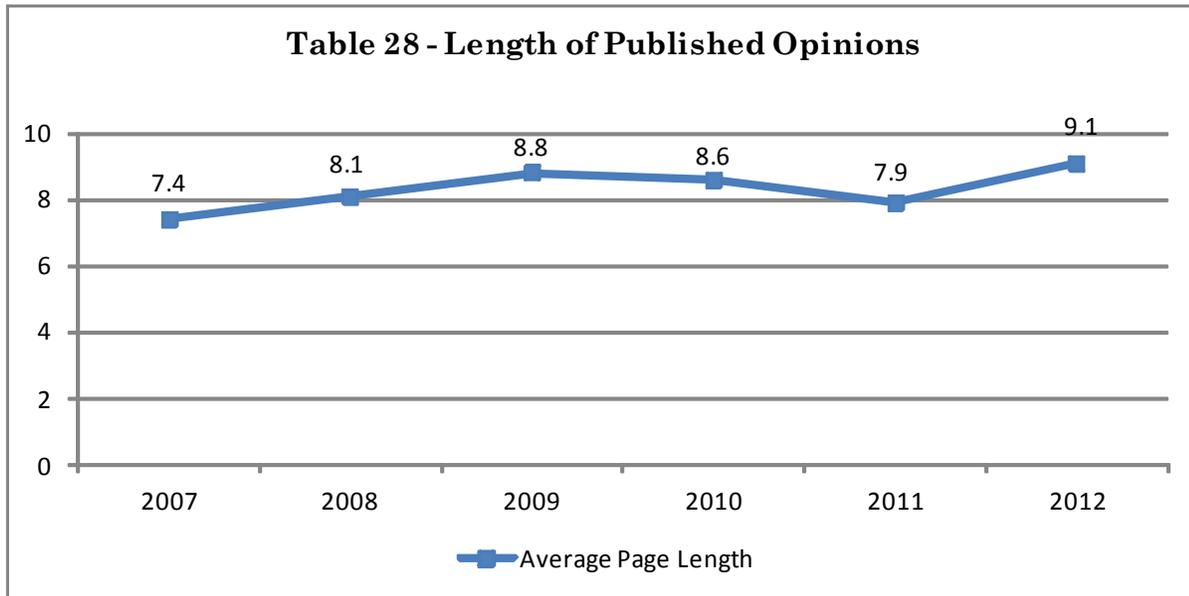


(c) Length of Published Opinions

The average page length of opinions is up 15.2% from 2011.

TABLE 27 - Average Page Length

Year	Page Length
2007	7.4
2008	8.1
2009	8.8
2010	8.6
2011	7.9
2012	9.1



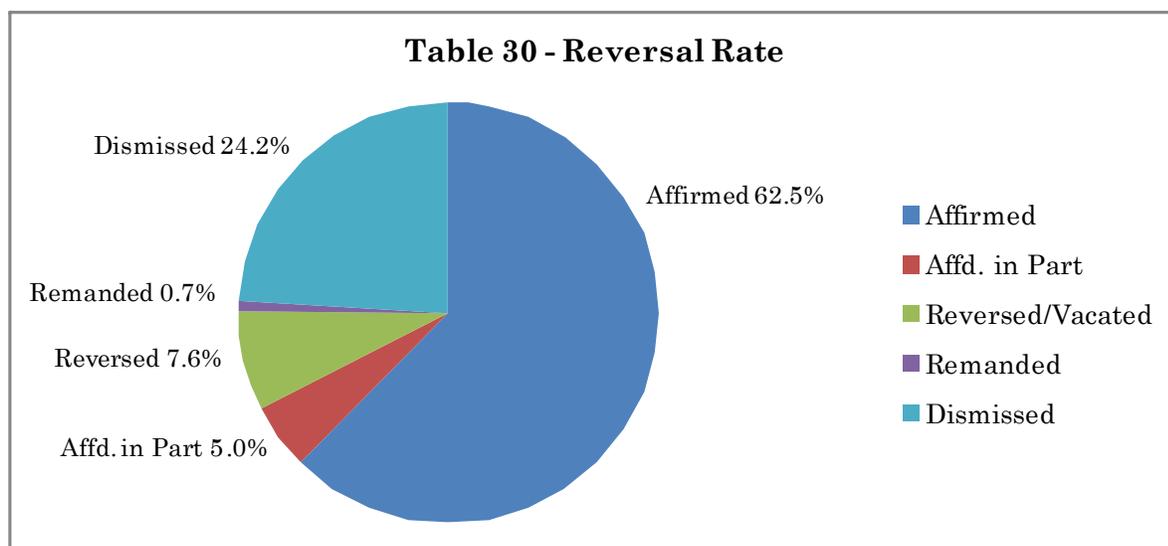
5. Reversal Rate

The 2012 reversed/vacated rate of 7.6% is lower than the 8.0% reversed/vacated rate in 2011.

TABLE 29 - Reversal Rate

	2012								2011
	Summary		Hearing		Conference Calendar		Overall		Overall
	No.	%	No.	%	No.	%	No.	%	%
Affirmed	1267	76.8	573	59.6	50	12.1	1890	62.5	62.0
Affd. in Part	56	3.4	94	9.8	0	0	150	5.0	4.2
Dismissed	275	16.7	93	9.7	364	87.9	732	24.2	24.9
Remanded	10	0.6	11	1.1	0	0	21	0.7	0.9
Transferred	0	0	0	0	0	0	0	0	0
Reversed/Vacated*	41	2.5	190	19.8	0	0	231	7.6	8.0
Total	1649	100.0	961	100.0	414	100.0	3024	100.0	100.0

* The reversed and vacated categories are being reported together to make our reporting more consistent with the Administrative Office scheme.



F. **WORKLOAD PER ACTIVE JUDGE**

1. **Opinion Output - Per Active Judge**

The average opinion output for each of the active judges who participated in disposing of cases on the merits on the summary, oral argument and conference calendars for the reporting year from July 1, 2011 through June 30, 2012 decreased by 22 cases over last year.

2. **Opinion Output - Overall - 2007 - 2012**

The opinion workload for the entire court as well as for the active judges alone is shown in the following table:

TABLE 31 - Opinion Output

Year	(a)* Opinions by Active Judges	(b)* Opinions by Non-Active Judges	(c) Total Opinion Output	(d) Opinions per Active Judge
2007 ¹	3733	555	4288	249
2008 ²	3138	640	3778	210
2009 ³	2676	473	3149	158
2010 ⁴	2630	580	3210	164
2011 ⁵	2495	697	3192	166
2012 ⁶	2195	829	3024	144

* Includes Augean conference.

¹In 2007, there were 15 active judges, 3 non-active judges and 8 visiting judges.

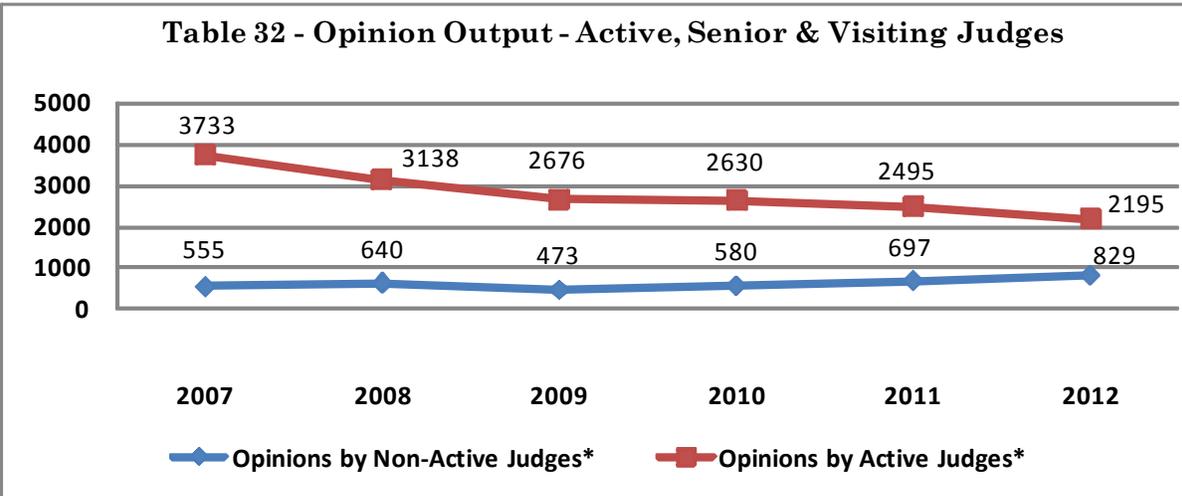
²In 2008, there were 17 active judges, 4 non-active judges and 4 visiting judges.

³In 2009, there were 17 active judges, 4 non-active judges and 11 visiting judges.

⁴In 2010, there were 16 active judges, 5 non-active judges and 5 visiting judges.

⁵In 2011, there were 16 active judges, 6 non-active judges and 8 visiting judges.

⁶In 2012, there were 16 active judges, 7 non-active judges and 6 visiting judges.



*Includes Augean conference.

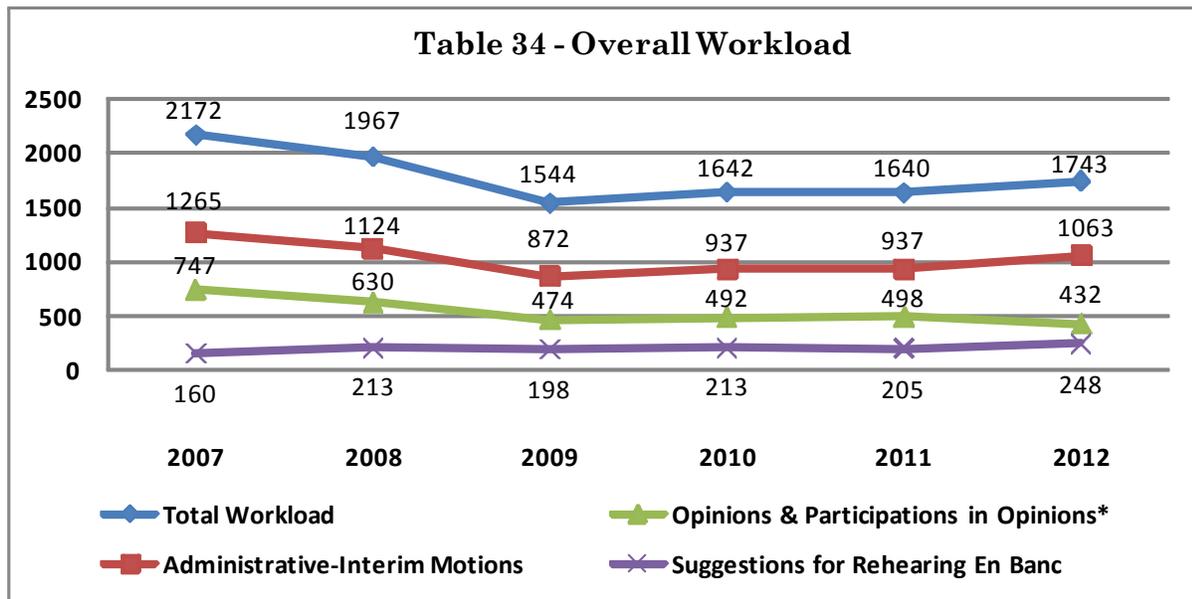
3. Overall Workload

The average number of opinions per active judge does not give a complete measure of the active judges' overall workload. Participation in other panel members' opinions in fully briefed cases, Conference calendar panels, Augean conference panels, as well as consideration of petitions for rehearing en banc and administrative-interim motions are also other important work factors. Overall, the judges handled 103 more matters per judge than last year. **Enclosure B**, page 27, shows the total average annual workload per active judge, based on the court's summary calendar rate of approximately 66.4% of the caseload; seven sessions of court per active judge, and other workload figures as follows:

TABLE 33 - Overall Workload

	Per Active Judge					
	2007	2008	2009	2010	2011	2012
Opinions and Participations in Opinions*	747	630	474	492	498	432
Petitions for Rehearing En Banc	160	213	198	213	205	248
Administrative- Interim Motions	1265	1124	872	937	937	1063
Total Workload	2172	1967	1544	1642	1640	1743

* Based on figures of judges who participated in summary, hearing and conference calendars *for the entire year*.



* Based on figures of judges who participated in summary, hearing and conference calendars *for the entire year*. The number of opinions for all other judges are contained in Enclosure B.

G. SCREENING CLASSIFICATIONS

1. Cases Screened by Judges

The following table demonstrates the numbers and percentages of the cases disposed of by the oral argument calendar. There was a decrease in percentage of cases sent to the oral argument calendar. Actual argument was held in about 58% of the 831 cases assigned to Class III and IV.

TABLE 35 - Screening Classifications

CLASS								
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total	
	No.	%	No.	%	No.	%	No.	%
2007	3235 ¹	77.0	961	22.9	3	0.1	4199 ¹	100.0
2008	2681 ²	75.6	863	24.3	4	0.1	3548 ²	100.0
2009	2124 ³	72.4	808	27.5	2	0.1	2934 ³	100.0
2010	2215 ⁴	73.9	781	26.0	3	0.1	2999 ⁴	100.0
2011	2183 ⁵	71.0	890	28.9	3	0.1	3076 ⁵	100.0
2012	2055 ⁶	71.2	823	28.5	8	0.3	2886 ⁶	100.0
Total	14,493 ⁷	73.8	5126	26.1	23	0.1	19,642 ⁷	100.0

¹Includes 1569 conference calendar opinions.

²Includes 1054 conference calendar opinions.

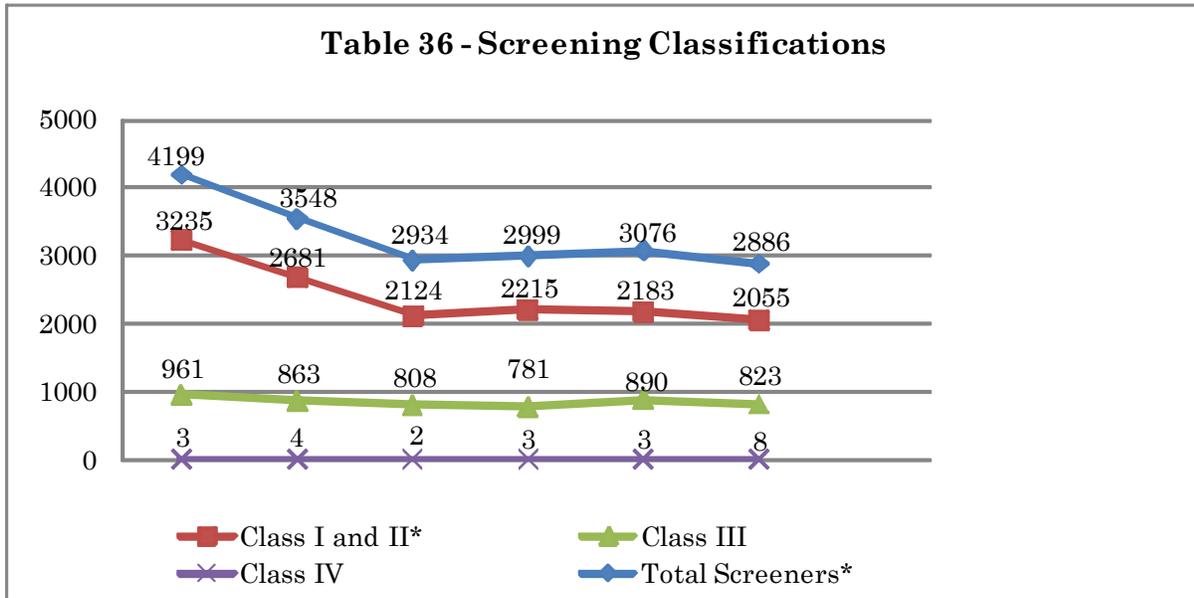
³Includes 578 conference calendar opinions.

⁴Includes 534 conference calendar opinions.

⁵Includes 411 conference calendar opinions.

⁶Includes 414 conference calendar opinions.

⁷Includes 4560 conference calendar opinions.



*Includes conference calendar cases.

Several additional screening tables follow:

(a) Screening Classifications by Case Type

Enclosure C, page 28, shows the number of cases classified and the summary calendar percentage by case type. Extracting only the summary calendar percentage for comparison with prior years we see:

TABLE 37 - Summary Calendar Percentage

Case Type	Summary Calendar Percentage (%)					
	2007	2008	2009	2010	2011	2012
DIRECT CRIMINAL	87.1	87.9	85.0	83.9	83.0	84.9
CRIMINAL NON-DIRECT	64.6	72.1	89.3	90.8	89.2	80.0
PRISONER CASES						
W/ cnsl.	65.4	44.1	37.5	35.3	20.0	50.0
W/O cnsl.	92.3	89.4	85.9	86.5	80.4	84.6
2255						
W/ cnsl.	80.0	75.0	81.8	50.0	71.4	25.0
W/O cnsl.	44.4	68.4	75.0	94.1	54.5	69.2

Case Type	Summary Calendar Percentage (%)					
	2007	2008	2009	2010	2011	2012
CIVIL						
Diversity	34.1	33.6	32.6	29.4	32.7	33.9
Federal Question	31.8	36.2	31.1	35.4	38.6	38.8
U.S. Civil	48.6	41.8	47.9	52.8	37.9	38.8
Tax	75.0	41.7	52.0	12.5	36.4	47.4
Bankruptcy	43.5	33.8	27.1	25.6	30.4	26.9
Civil Rights	57.1	62.3	58.0	59.4	53.7	50.5
NLRB*	20.0	33.3	--	--	--	--
BIA*	--	--	87.0	85.4	85.5	81.3
Tax Court	55.6	77.8	61.5	40.0	37.5	63.6
Other Agency*	79.6	81.5	54.5	41.2	39.3	45.0
Social Security	100.0	100.0	89.2	76.5	66.7	70.0
Mandamus	0	0	0	0	0	0
TOTAL	77.0	75.6	72.4	73.9	71.0	71.2

* Previously, National Labor Relations Board (NLRB) cases were reported separately from Agency cases. Since we now have a small number of NLRB cases and a significant number of immigration cases, we elected to report the NLRB cases in the total of the Agency category. We are now reporting immigration cases separately under the BIA category.

H. EN BANC PETITIONS

The number of petitions for rehearing en banc increased by 45, (250 from 205). This amounts to en banc petitions being filed in 8.3% of the cases decided by opinion.

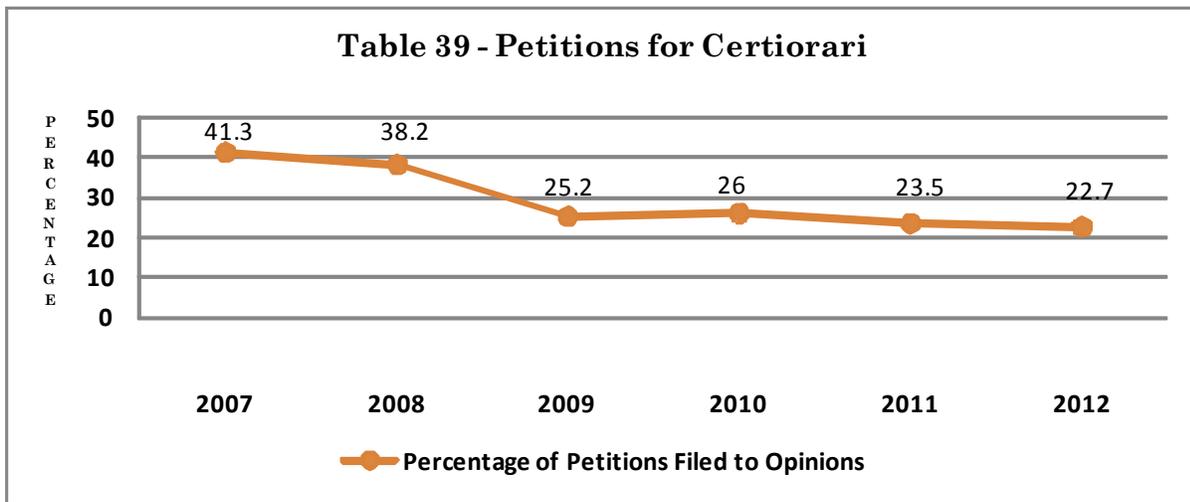
Of the 248 petitions acted upon, 7 were granted. This is an increase from 2011. Of the 235 petitions denied, 4 were denied after a poll. Six were disposed of by other means. See **Enclosure D**, page 29, for other details.

I. PETITIONS FOR CERTIORARI

The number of petitions filed is as follows:

Table 38 - Petitions for Certiorari

Petitions Filed	2007	2008	2009	2010	2011	2012
Criminal	1338	957	410	365	335	299
U.S. Civil	78	72	70	60	58	7
Private Civil	334	409	309	400	346	295
Administrative Appeals	21	7	6	11	12	16
TOTAL	1771	1445	795	836	751	687
Opinions Rendered	4288	3778	3149	3210	3192	3024
% of Petitions Filed to Opinions	41.3	38.2	25.2	26.0	23.5	22.7



There were 732 actions taken by the Supreme Court compared with 730 last year. Nineteen petitions were granted, 9 more than last year, or 2.6% granted of the total petitions acted upon. (For additional information, see **Enclosure E**, page 30.)

J. ADMINISTRATIVE-INTERIM MOTIONS

The administrative-interim motions decreased to 3310 from 3319 last year, to an average of 221 initiating actions per active judge, the same as the prior year. When panel matters are considered, each judge acted on 1063 such motions, up from 937 last year. See **Enclosure F**, page 31, for other details.

TABLE OF NEW APPEALS DOCKETED BY CASE TYPE AS OF 6/2012

Case Type	(a)	(b)		(c)		(d)											
	Mo. % 2011-12	Cumulative % 10-11	Cumulative % 11-12	2010 2011	2011 2012	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
CRIMINAL CASES	36.39%	33.08%	35.25%	2493	2688	157	182	235	215	268	217	243	222	239	210	230	270
<u>PRISONER CASES</u>																	
w/counsel	1.89%	2.08%	1.97%	157	150	8	19	14	20	12	2	8	10	10	22	11	14
w/o counsel	25.47%	29.35%	27.12%	2212	2068	145	203	208	181	166	132	150	145	209	188	152	189
Succ Habeas	7.14%	5.44%	5.38%	410	410	22	32	30	43	32	27	22	25	38	39	47	53
Non-Pd Mandamus	0.94%	1.33%	1.36%	100	104	8	8	9	18	4	7	8	13	7	7	8	7
SUB-TOTAL	71.83%	71.28%	71.07%	5372	5420	340	444	496	477	482	385	431	415	503	466	448	533
<u>CIVIL</u>																	
Private Civil	10.24%	11.32%	11.09%	853	846	62	75	76	70	61	55	73	72	87	83	56	76
Diversity	6.47%	5.44%	5.68%	410	433	36	35	34	35	30	24	36	27	51	48	29	48
Fed. Quest.	3.77%	5.88%	5.42%	443	413	26	40	42	35	31	31	37	45	36	35	27	28
U.S. Civil	4.04%	1.80%	1.64%	136	125	3	6	15	6	9	7	7	5	13	15	9	30
Tax	0.13%	0.53%	0.26%	40	20	3	3	1	2	3	2	2	1	1	0	1	1
Tax Court	0.13%	0.27%	0.17%	20	13	3	1	1	2	0	2	1	0	0	0	2	1
Bankruptcy	0.67%	1.06%	1.68%	80	128	2	7	8	8	18	4	10	6	8	12	40	5
BIA	6.06%	4.98%	5.46%	375	416	29	34	30	25	27	39	44	22	43	45	33	45
Other Agency	0.40%	0.88%	0.58%	66	44	3	2	2	1	5	4	4	5	6	3	6	3
Civil Rights	6.06%	7.16%	7.26%	540	554	44	41	55	48	47	37	33	35	57	56	56	45
Soc. Security	0.13%	0.31%	0.33%	23	25	1	3	2	3	3	1	4	3	2	1	1	1
Mandamus	0.27%	0.42%	0.46%	32	35	1	3	1	4	3	2	5	5	3	4	2	2
SUB-TOTAL	28.17%	28.72%	28.93%	2165	2206	151	175	191	169	176	153	183	154	220	219	206	209
TOTAL APPEALS	100.0%	100.0%	100.0%	7537	7626	491	619	687	646	658	538	614	569	723	685	654	742

Legend:

- Col: (a): Monthly Percentage Make-Up of the New Filings.
 (b): The Cumulative Percentage for the corresponding months in 10-11 compared with 11-12.
 (c): The Cumulative Total Filings for the corresponding number of months in 10-11.
 (d): The Cumulative Total for 11-12.

WORKLOAD PER ACTIVE JUDGE 2012

I.	<u>SUMMARY CALENDAR CASES*</u>			
	(a) Opinions or dispositions as initiating judge	72		
	(b) Participations in opinions or dispositions of other panel members		144	
	(c) Sub-total summary calendar cases			216
II.	<u>CONFERENCE CALENDAR CASES*</u>			
	(a) Opinions or dispositions as initiating judge	24		
	(b) Participations in opinions or dispositions of other panel members		48	
	(c) Sub-total conference calendar cases			75
III.	<u>HEARING CALENDAR AND OTHER CASES*</u>			
	(a) Opinions or dispositions as writing judge	48		
	(b) Participations in opinions or dispositions of other panel members		96	
	(c) Sub-total oral argument cases	—	—	<u>144</u>
IV.	<u>TOTAL OPINIONS (I(a), II(a) and III(a))*</u>	144		
V.	<u>TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b) and III(b))*</u>		288	
VI.	<u>TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c) and III(c))*</u>			432
VII.	<u>PETITIONS FOR REHEARING EN BANC</u>			248
VIII.	<u>ADMINISTRATIVE-INTERIM MATTERS</u>			
	(a) Single judge matters	130		
	(b) Participation in panel matters as initiating judge	311		
	(c) Participation in panel matters of other panel members		622	
	(d) Sub-total administrative-interim matters	—	—	<u>1063</u>
IX.	<u>TOTAL MATTERS PARTICIPATED IN PER JUDGE</u>			1743

* Based on figures of judges who participated in summary, hearing and conference calendar **for the entire year.**

**SUMMARY OF SCREENING CLASSIFICATION
BY CASE TYPE**

PERIOD: JULY 1, 2011 - JUNE 30, 2012

<u>CASE TYPE</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>TOTAL</u>	<u>% OF I and II'S TO TOTAL CASES</u>
CRIMINAL DIRECT	506	754	221	3	1484	84.9
CRIMINAL NON-DIRECT	31	45	19	0	95	80.0
PRISONER CASES						
HC-W	0	9	8	1	18	50.0
HC-W/O	10	95	22	0	127	82.7
1983-W	0	3	4	0	7	42.8
1983-W/O	18	100	17	0	135	87.4
O. Pris.-W	0	1	0	0	1	100.0
2255-W	0	2	6	0	8	25.0
2255-W/O	0	9	4	0	13	69.2
CIVIL						
Diversity	2	71	140	2	215	33.9
Fed. Question	4	72	118	2	196	38.8
U.S. Civil	2	17	30	0	49	38.8
Tax	0	9	10	0	19	47.4
Bankruptcy	0	14	38	0	52	26.9
Civ. Rights	13	131	141	0	285	50.5
BIA	0	96	22	0	118	81.3
Tax Court	0	7	4	0	11	63.6
Other Agency	0	9	11	0	20	45.0
Social Security	0	7	3	0	10	70.0
Mandamus	0	0	0	0	0	0.0
Total*	590	1465	823	8	2886	71.2

* Includes 414 Conference Calendar Cases.

**PETITIONS FOR
REHEARING EN BANC**

07/01/11 - 06/30/12

TOTAL

Total Pending as of 06/30/11

21

FILED

Petitions for Rehearing
En Banc Filed

250

DENIED

w/poll vote
w/o poll vote

4
231

235

GRANTED

On Court's own motion with
oral argument
On Court's own motion without
oral argument
On motion of parties with
oral argument
On motion of parties without
oral argument

2
1
4
0

7

OTHER

6

Total Pending as of 06/30/12

23

**LIST OF PETITIONS FOR CERTIORARI
FILED, ACTED ON AND PENDING**

SUMMARY

PERIOD: July 1, 2011 to June 30, 2012

TYPE OF DISPOSITION						
TYPE	PENDING 07/01/11	NUMBER FILED	GRANTED	DENIED	DISMISSED	PENDING 6/30/12
TOTAL	161	687	19	701	12	116
CRIM	65	299	11	313	1	39
USC	10	77	0	70	2	15
PRIV.CIV.	84	295	6	307	8	58
ADM*	2	16	2	11	1	4

* Administrative appeals include Applications for Enforcement or Petitions for Review of orders of an administrative board or agency.

MONTHLY REPORT OF ADMINISTRATIVE-MOTIONS SUBMITTED TO JUDGES (FY 2012)

Motions to or for:	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTALS
Dismiss	16	24	15	19	15	21	16	12	9	9	27	26	209
Reinstate Appeal	0	1	1	0	0	0	0	1	0	0	0	2	5
Appointment of Counsel	5	12	7	8	4	7	4	8	9	6	7	11	88
Expedite Hearing, for Continuance, or Special Assignment	4	1	1	2	1	2	1	5	4	3	8	8	40
Stay or for Injunction and/or Supersedeas Pending Appeal	14	18	18	14	12	14	15	20	22	20	13	15	195
Supplement the Record	2	2	5	2	5	1	4	3	3	5	3	0	35
Strike Briefs, Designations for Printing, etc	1	3	1	7	4	3	4	5	6	4	4	6	48
Excess Pages in Brief	0	0	0	1	0	3	1	0	1	1	0	0	7
Bail Pending Appeal	1	2	3	0	3	2	1	0	2	1	3	2	20
Interlocutory Appeal (Sec. 1292(b))	1	1	2	2	1	4	3	2	1	4	1	3	25
Jurisdiction	46	47	39	43	46	40	48	49	50	12	50	53	523
Withdraw as Counsel	10	3	20	11	8	6	6	3	5	4	9	6	91
Extensions of Time	9	4	7	12	6	9	14	12	12	7	10	10	112
51Certificate of Probable Cause/Certificate of Appealability	51	58	42	39	56	55	25	48	44	62	39	32	551
Leave to Appeal In Forma Pauperis	24	22	15	15	15	24	27	20	31	12	24	24	253
Issuance of CPC/COA and Leave to Appeal In Forma Pauperis	18	23	20	12	11	32	12	24	18	13	10	13	206
Mandamus or Prohibition	3	5	9	8	12	10	5	11	10	2	13	3	91
Successive Petitions	27	26	20	18	25	27	28	29	28	0	34	33	295
Miscellaneous Motions	43	34	30	38	44	43	34	44	35	44	49	78	516
<u>TOTALS</u>	275	286	255	251	268	303	248	296	290	209	304	325	3310