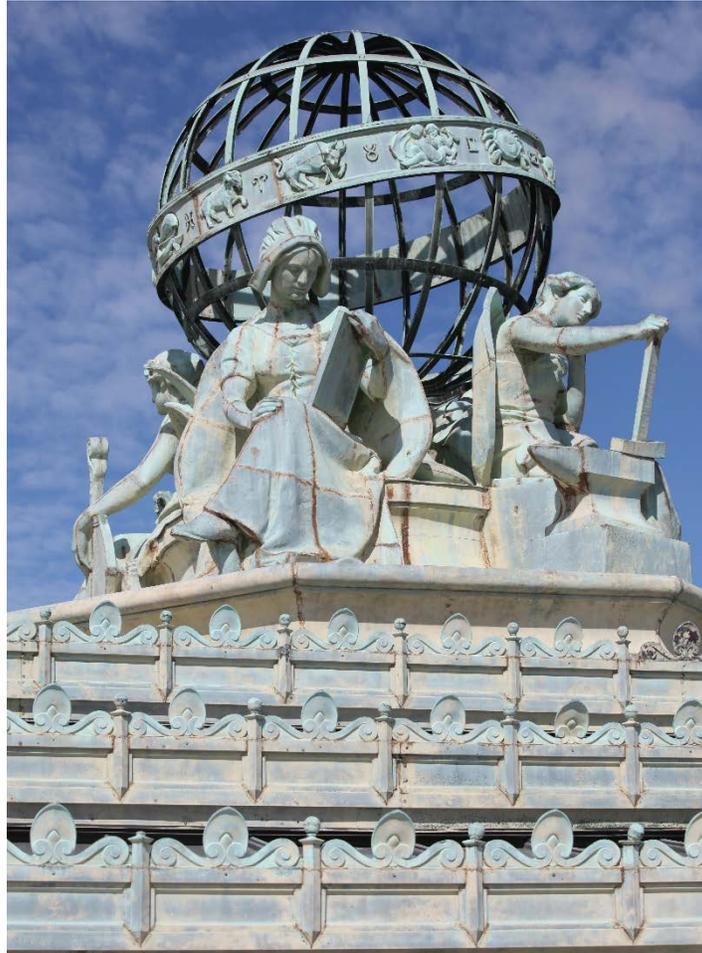


JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

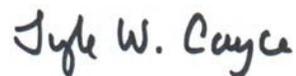
CLERK'S ANNUAL REPORT  
JULY 2017 - JUNE 2018

## PREFACE

This report provides information on the judicial business of the United States Court of Appeals for the Fifth Circuit for the period of July 1, 2017, through June 30, 2018.

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. Statistics counting "cases" provide a more accurate and realistic picture of the actual workload of our judges.

A summary of the report appears at page vi.



LYLE W. CAYCE  
CLERK

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## SUMMARY OF ANNUAL REPORT

The following summarizes the court's judicial business:

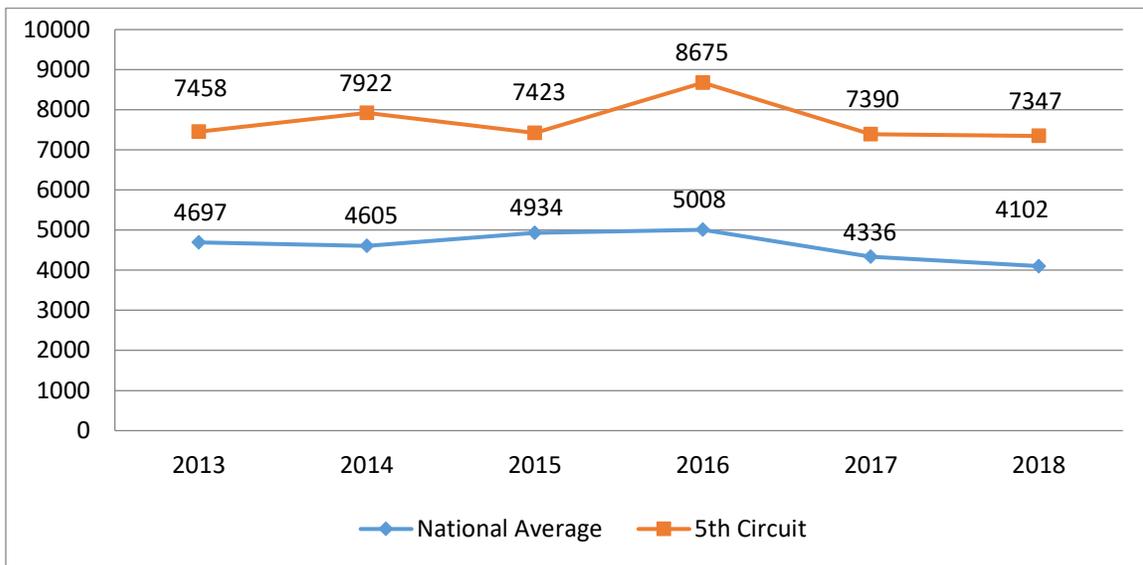
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>New Appeals</b>	7458	7922	7423	8675	7390	7347
<b>Terminations</b>	7501	7941	7350	7747	8214	7387
By Judges	4834	4971	4692	5007	5335	4692
By Clerk	1800	1689	1738	1827	1858	1857
By Consolidation	867	1281	920	913	1021	838
<b>Pending Appeals</b>	4730	4710	4783	5713	4888	4848
<b>Total Cases Screened for Decision as to Oral Argument</b>	2857	2788	2750	2981	2887	2729
<b>Cases Sent to:</b>						
Summary Calendar	1663	1533	1555	1536	1655	1594
Conference Calendar	394	499	447	647	421	360
Oral Argument Calendar	800	756	748	798	811	775
Summary Calendar Rate	67.5%	67.0%	67.6%	65.8%	67.1%	67.3%
Conference & Summary Calendar Rate	72.0%	72.9%	72.8%	73.2%	72.0%	71.6%
<b>Cases Ready for Argument</b>	79	47	57	9	148	158
<b>Cases Pending Under Submission</b>	167	135	141	158	133	199
90-day Cases	67	55	41	55	47	59
<b>Total Opinions</b>	3012	3037	2963	3136	2995	2836
Published Opinions	369	404	371	422	457	372
Unpublished Opinions	2643	2633	2592	2714	2538	2464
Opinions per Active Judge	154	156	145	163	157	139
Publication Rate	12.2%	13.3%	12.5%	13.5%	15.3%	13.1%
Page Length of Published Opinions	14.4	14.7	15.0	14.3	12.6	14.0
<b>Participations per Active Judge in Opinions</b>	462	468	435	489	471	417
<b>En Banc Cases</b>	6	3	4	6	2	8
<b>Motions per Active Judge</b>	1001	1011	949	1232	1435	1204

**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 a 43 appeal decrease (0.6%), from 7390 to 7347 appeals. Successive habeas petitions decreased by 231 (31.7%). Criminal appeals dropped by 152 (6.6%). Federal question appeals increased by 297 (68.9%); prisoner appeals increased by 62 (3.0%).

**Table 1 - New Appeals Filed**



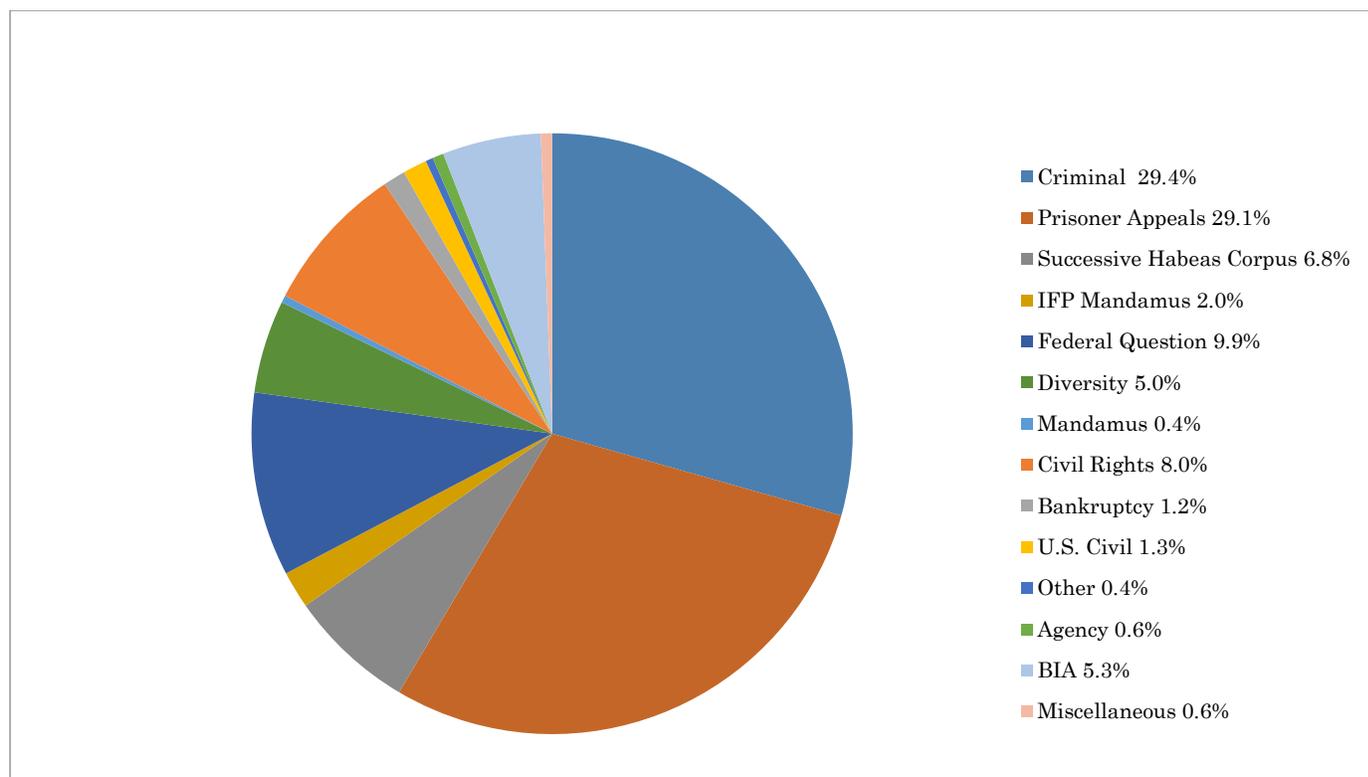
**2. Source of New Appeals by Type**

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2018 data. (See also column (d) of the monthly cumulative report of new appeals by type at **Enclosure A**, page 28.)

**Table 2 - New Appeals by Case Type**

TYPE	YEAR						Change from '17	
	2013	2014	2015	2016	2017	2018	No.	%
Criminal	2316	2463	2523	3004	2310	2158	-152	-6.6
Prisoner Appeals	2097	2215	2124	2011	2074	2136	+62	+3.0
Successive Habeas Corpus	490	670	484	1304	728	497	-231	-31.7
IFP Mandamus	100	120	141	145	171	147	-24	-14.0
Federal Question	599	541	409	506	431	728	+297	+68.9
Diversity	472	430	392	379	439	371	-68	-15.5
U.S. Civil	95	101	111	80	125	98	-27	-21.6
Tax	11	20	12	9	7	8	+1	+14.3
Tax Court	21	10	12	9	16	15	-1	-6.2
Civil Rights	556	552	561	538	533	587	+54	+10.1
Bankruptcy	117	82	77	58	63	86	+23	+36.5
Social Security	18	27	37	23	18	7	-11	-61.1
BIA	402	407	399	330	350	393	+43	+12.3
Mandamus	43	36	29	33	38	27	-11	-28.9
Agency	64	35	69	124	46	44	-2	-4.3
Miscellaneous	57	213	43	122	41	45	+4	+9.8
	7458	7922	7423	8675	7390	7347	-43	-0.6

**Table 3 - 2018 New Appeals by Case Type**



Our biggest increase in filings was in federal question and prisoner appeals. Successive habeas petitions and criminal appeals dropped significantly.

### **3. Source of New Appeals by District**

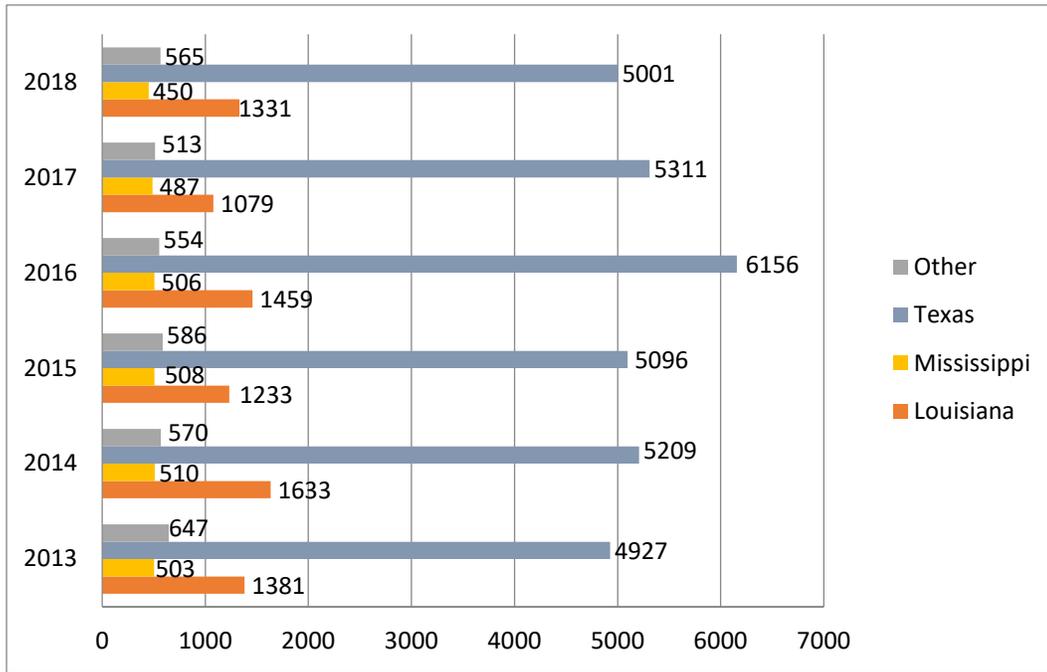
Five of the nine districts showed an increase in appeals filed. Eastern Louisiana increased the most and Southern Texas decreased the most.

**Table 4 - New Appeals by District  
(All Appeals)**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Change from '17</b>
Louisiana Eastern	578	930	552	623	575	807	+232
Louisiana Middle	204	240	203	173	148	164	+16
Louisiana Western	599	463	478	663	356	360	+4
<b>Subtotal</b>	<b>1381</b>	<b>1633</b>	<b>1233</b>	<b>1459</b>	<b>1079</b>	<b>1331</b>	<b>+252</b>
Mississippi Northern	195	175	163	155	132	136	+4
Mississippi Southern	308	335	345	351	355	314	-41
<b>Subtotal</b>	<b>503</b>	<b>510</b>	<b>508</b>	<b>506</b>	<b>487</b>	<b>450</b>	<b>-37</b>
Texas Northern	1335	1525	1309	1757	1634	1659	+25
Texas Southern	1714	1885	1891	2197	1797	1653	-144
Texas Eastern	579	413	590	623	600	534	-66
Texas Western	1299	1386	1306	1579	1280	1155	-125
<b>Subtotal</b>	<b>4927</b>	<b>5209</b>	<b>5096</b>	<b>6156</b>	<b>5311</b>	<b>5001</b>	<b>-310</b>
Agency	64	35	69	124	46	44	-2
Bankruptcy	117	82	77	58	63	86	+23
U.S. Tax Court	21	10	12	9	16	15	-1
BIA	402	407	399	330	350	393	+43
Mandamus	43	36	29	33	38	27	-11
<b>Subtotal</b>	<b>647</b>	<b>570</b>	<b>586</b>	<b>554</b>	<b>513</b>	<b>565</b>	<b>+52</b>
<b>Total</b>	<b>7458</b>	<b>7922</b>	<b>7423</b>	<b>8675</b>	<b>7390</b>	<b>7347</b>	<b>-43</b>

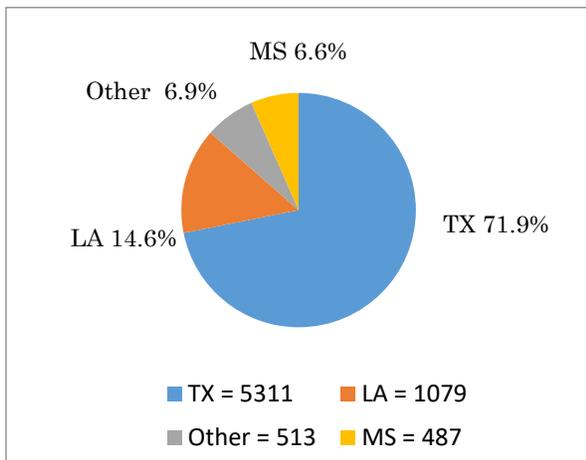
The graph below shows the six year trend of the appeals by state.

**Table 5 - New Appeals by State**

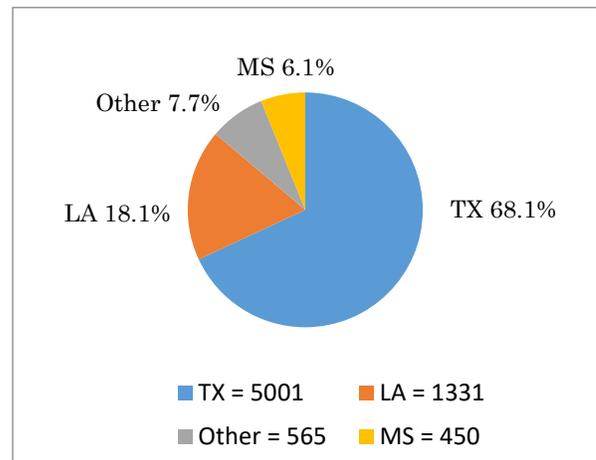


A comparison of the percentage of appeals by states for 2017 and 2018 is shown on the following charts:

**Table 6 - New Appeals 2017 by State**



**Table 7 - New Appeals 2018 by State**



## B. CLOSED APPEALS

### 1. Yearly Comparison

The court disposed of 827 fewer **appeals** this year, a decrease of 10.1%.

**Table 8 - Appeals and Cases Closed**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Change from '17</b>	
All Appeals	7501	7941	7350	7747	8214	7387	-827	-10.1%
Cases	6634	6600	6430	6834	7193	6549	-644	-9.0%

### 2. Method of Disposition

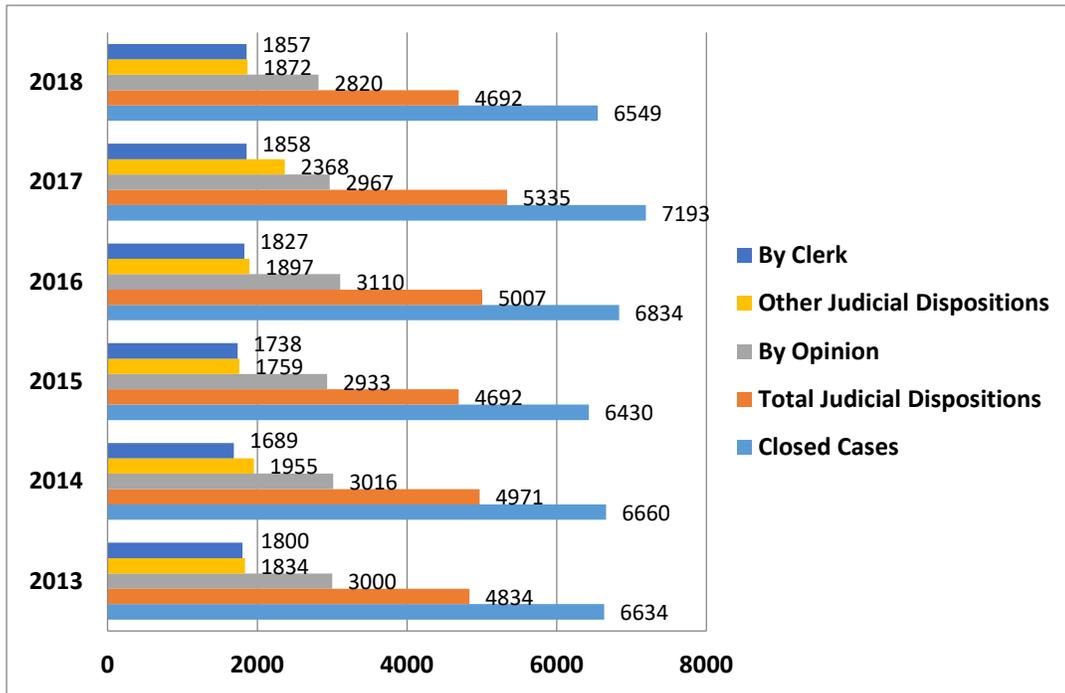
Overall, the court disposed of 644 fewer cases than last year. There were 147 fewer opinions, and other judicial dispositions decreased by 496. Clerk dispositions decreased by 1.

**Table 9 - Method of Disposition**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Change from '17</b>
By Opinion*	3000	3016	2933	3110	2967	2820	-147
Other Judicial Dispositions	1834	1955	1759	1897	2368	1872	-496
Total Judicial Dispositions	4834	4971	4692	5007	5335	4692	-643
By Clerk	1800	1689	1738	1827	1858	1857	-1
Closed Cases	6634	6660	6430	6834	7193	6549	-644

\*Does not include 16 opinions that were non-dispositive, such as limited remands.

**Table 10 - Method of Disposition by Graph**



**C. UNDISPOSED OF (PENDING) APPEALS/CASES**

The court disposed of 7387 **appeals** compared to 7347 filed. There are 4848 appeals pending compared to 4888 last year. There are 4111 cases pending this year compared with 4227 last year.

**Table 11 - Pending Appeals/Cases**

	2013	2014	2015	2016	2017	2018	% Change from '17
All Appeals Pending	4730	4710	4783	5713	4888	4848	-0.8
Cases	3914	4010	4127	4907	4227	4111	-2.7

The 4111 pending cases are characterized as either Cases Under Submission or Unassigned Carry-Over:

**1. Cases Under Submission**

Excluding cases consolidated for argument and decision (24), and held in abeyance by the judges (11), the pending cases argued and awaiting decision increased from last year.

**Table 12 - Cases Under Submission**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Active Judges	146	121	122	136	105	137
Senior Judges	23	21	17	21	22	62
Visiting Judges	4	4	1	1	0	0
Total	173	146	140	158	127	199

**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 decreased, 191 fewer than last year. This leaves 3901 cases that are the immediate future workload of the court. The following chart gives the six-year trend for unassigned carry-over:

**Table 13 - Unassigned Carry-Over**

<b>Year</b>	<b>Unassigned Cases</b>	<b>New Appeals</b>	<b>% Unassigned Cases to New Appeals</b>
<b>2013</b>	3727	7458	49.9
<b>2014</b>	3855	7922	48.7
<b>2015</b>	3987	7423	53.7
<b>2016</b>	4739	8675	54.6
<b>2017</b>	4092	7390	55.4
<b>2018</b>	3901	7347	53.1

The 3901 unassigned cases fall into the following categories.

**Table 14 - Unassigned Carry-Over by Category**

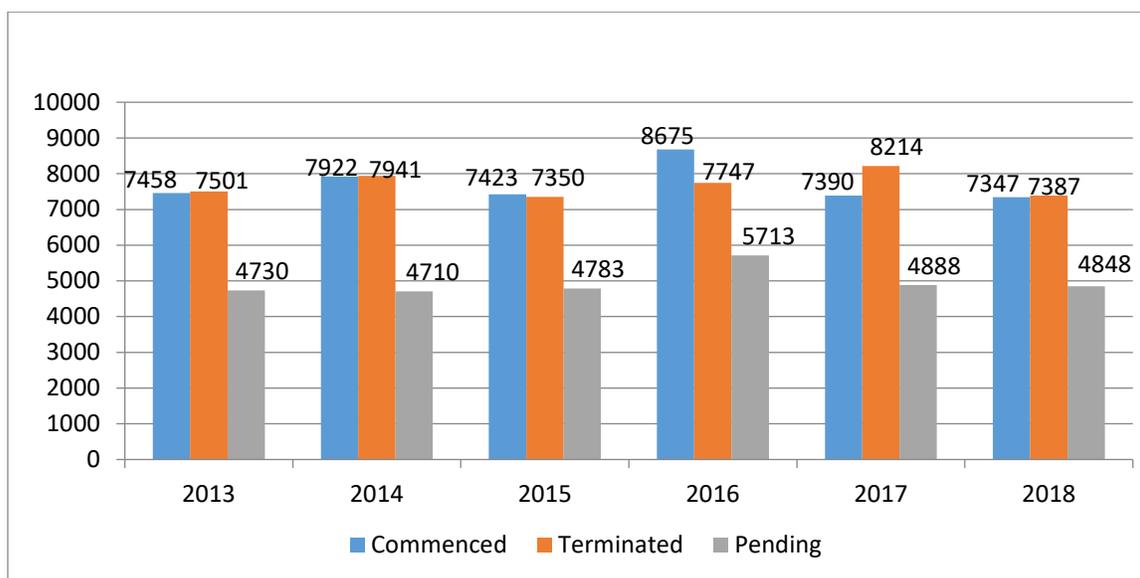
<b>Category</b>	<b>2017</b>	<b>2018</b>
(a) Already Briefed		
Calendared for Oral Argument	85	114
Briefed but Held in Abeyance	14	14
Awaiting Assignment to Oral Argument Calendar	148	158
Being Screened	811	765
Assignment to Augean Conference	166	75
Awaiting Assignment to Conference Calendar	67	1
<b>Subtotal</b>	<b>1291</b>	<b>1127</b>

Category	2017	2018
(b) Unbriefed Cases		
Pre-Briefing	1342	1266
Records Due	88	88
Being Briefed	1193	1252
Stayed/Held in Abeyance	59	48
Awaiting DC Action*	119	120
<b>Subtotal</b>	<b>2801</b>	<b>2774</b>
<b>Total</b>	<b>4092</b>	<b>3901</b>

\*Our court is unable to proceed because of matters pending in the district court.

#### D. SUMMARY OF APPEALS COMMENCED, TERMINATED AND PENDING

**Table 15 - Summary of Appeals Commenced, Terminated and Pending**



**E. OPINIONS**

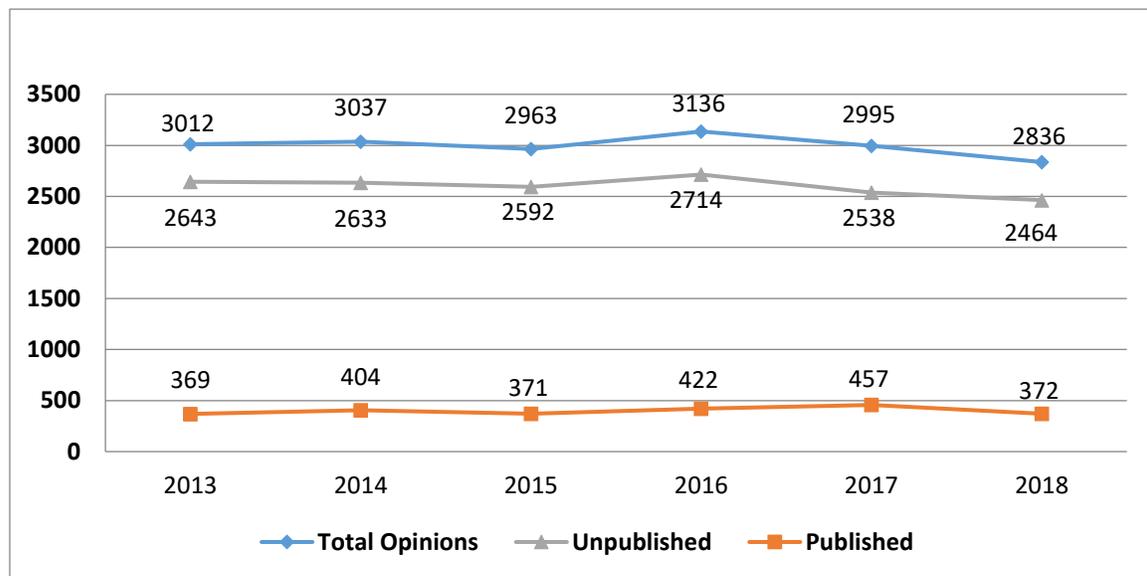
**1. Number of Opinions, Published and Unpublished**

The total number of opinions decreased by 159. 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
2013	3012	369	2643
2014	3037	404	2633
2015	2963	371	2592
2016	3136	422	2714
2017	2995	457	2538
2018	2836	372	2464

**Table 17 - Number of Opinions, Published and Unpublished by Graph**



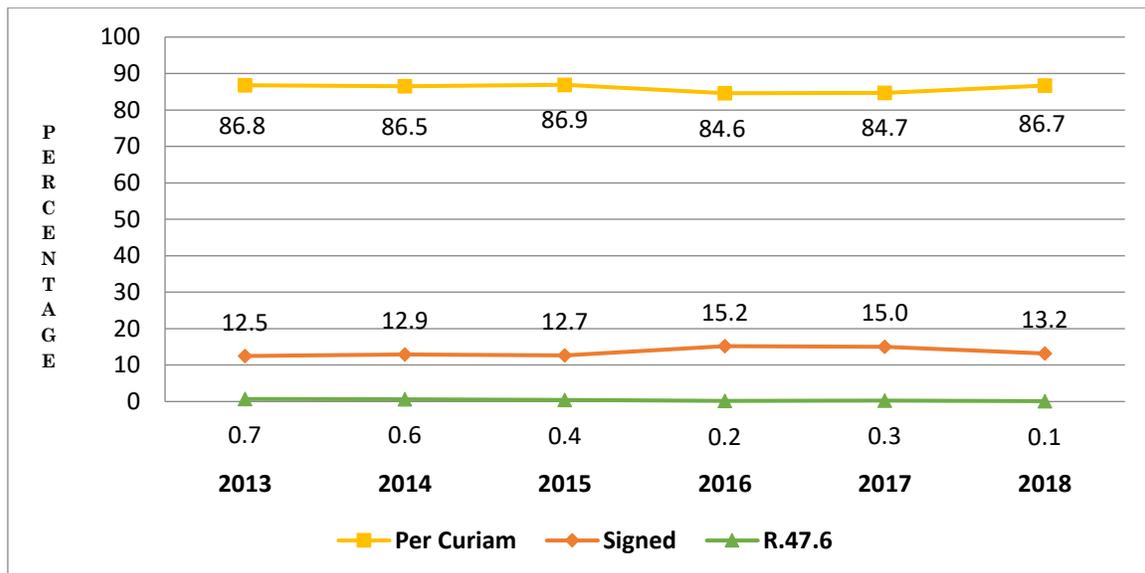
## 2. Types of Opinions

Signed opinions decreased by 1.8% this year and per curiam opinions increased by 2.0%.

**Table 18 - Types of Opinions**

Year	Signed	Per Curiam	Rule 47.6	Total
2013	12.5%	86.8%	0.7%	100.0%
2014	12.9%	86.5%	0.6%	100.0%
2015	12.7%	86.9%	0.4%	100.0%
2016	15.2%	84.6%	0.2%	100.0%
2017	15.0%	84.7%	0.3%	100.0%
2018	13.2%	86.7%	0.1%	100.0%

**Table 19 - Types of Opinions by Graph**



### **3. 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 53 from 1660 to 1607. The percentage of signed opinions on the summary calendar decreased by 1.3% while per curiam opinions increased by 1.6%.

**Table 20 - Summary Calendar Opinions**

<b>Year</b>	<b>Signed</b>	<b>Per Curiam</b>	<b>Rule 47.6</b>	<b>Total</b>
2013	1.1%	98.7%	0.2%	100.0%
2014	1.0%	98.7%	0.3%	100.0%
2015	1.1%	98.5%	0.4%	100.0%
2016	4.9%	94.8%	0.3%	100.0%
2017	2.7%	96.9%	0.4%	100.0%
2018	1.4%	98.5%	0.1%	100.0%

(b) Oral Argument Calendar

Signed opinions on the oral argument calendar decreased this year by 3.8%. Per curiam opinions increased by 3.9%.

**Table 21 - Oral Argument Opinions**

<b>Year</b>	<b>Signed</b>	<b>Per Curiam</b>	<b>Rule 47.6</b>	<b>Total</b>
2013	38.5%	59.4%	2.1%	100.0%
2014	38.2%	60.4%	1.4%	100.0%
2015	37.8%	61.5%	0.7%	100.0%
2016	42.9%	56.9%	0.2%	100.0%
2017	44.3%	55.5%	0.2%	100.0%
2018	40.5%	59.4%	0.1%	100.0%

(c) Conference Calendar

There were 364 conference calendar opinions this year compared to 423 last year.

**4. Published and Unpublished Opinions**

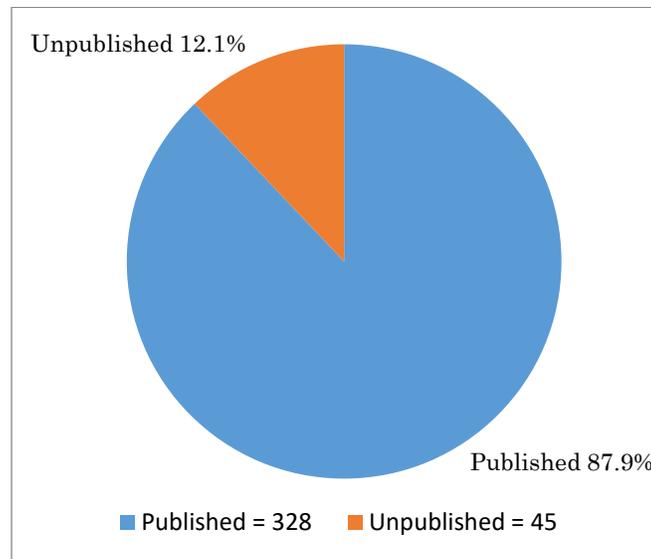
Of the 2836 opinions, 372 (13.1%) were published. The number of published opinions decreased by 85 from the preceding year.

(a) Number and Percentage - 2018

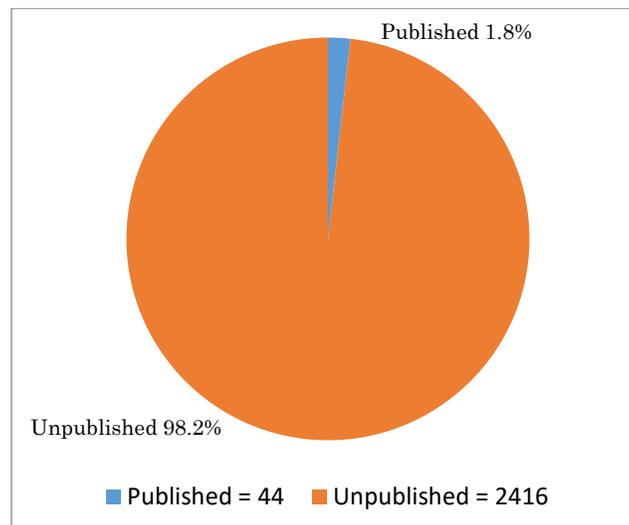
**Table 22 - Opinion Number and Percentage 2018**

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	328	87.9	45	12.1	373
Per Curiam Opinions	44	1.8	2416	98.2	2460
Rule 47.6 Opinions	0	0.0	3	100.0	3
Total	372	13.1	2464	86.9	2836

**Table 23 - Signed Opinions Number and Percentage**



**Table 24 - Per Curiam Opinions Number and Percentage**

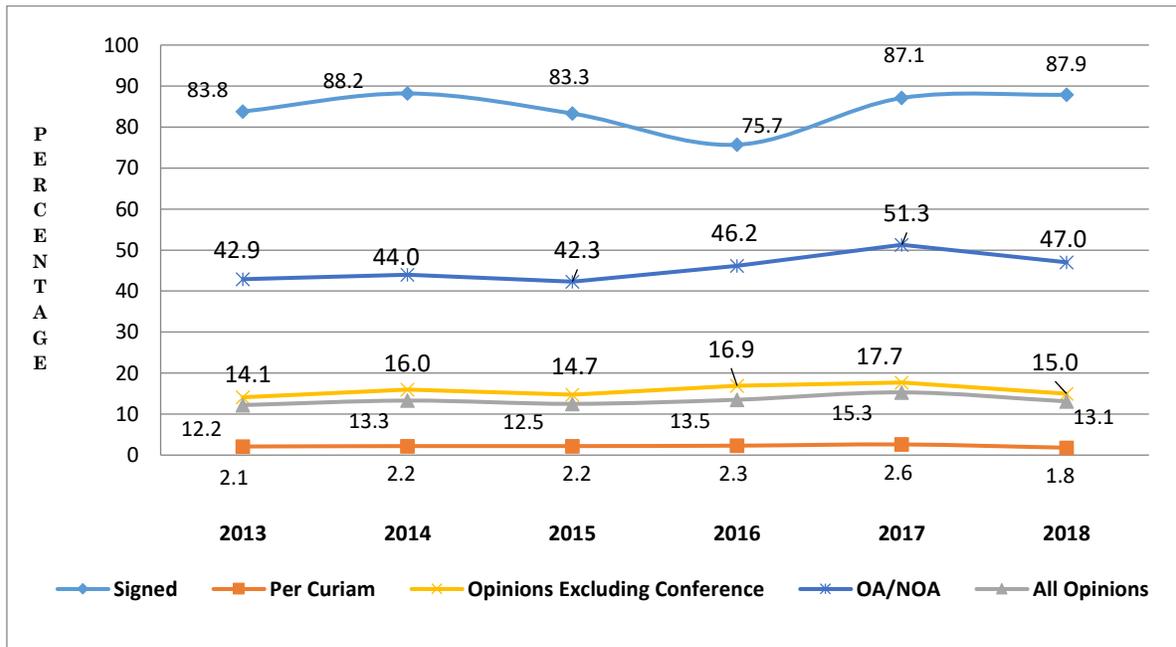


(b) Percentage Comparison (Published) - 2013 - 2018

**Table 25 - Published Opinion Percentage**

	% Published					
	2013	2014	2015	2016	2017	2018
Signed Opinions	83.8	88.2	83.3	75.7	87.1	87.9
Per Curiam Opinions	2.1	2.2	2.2	2.3	2.6	1.8
Opinions Excluding Conference Calendar	14.1	16.0	14.7	16.9	17.7	15.0
Oral Argument/No Oral Argument	42.9	44.0	42.3	46.2	51.3	47.0
All Opinions	12.2	13.3	12.5	13.5	15.3	13.1

**Table 26 - Published Opinion Percentage Comparison by Graph**



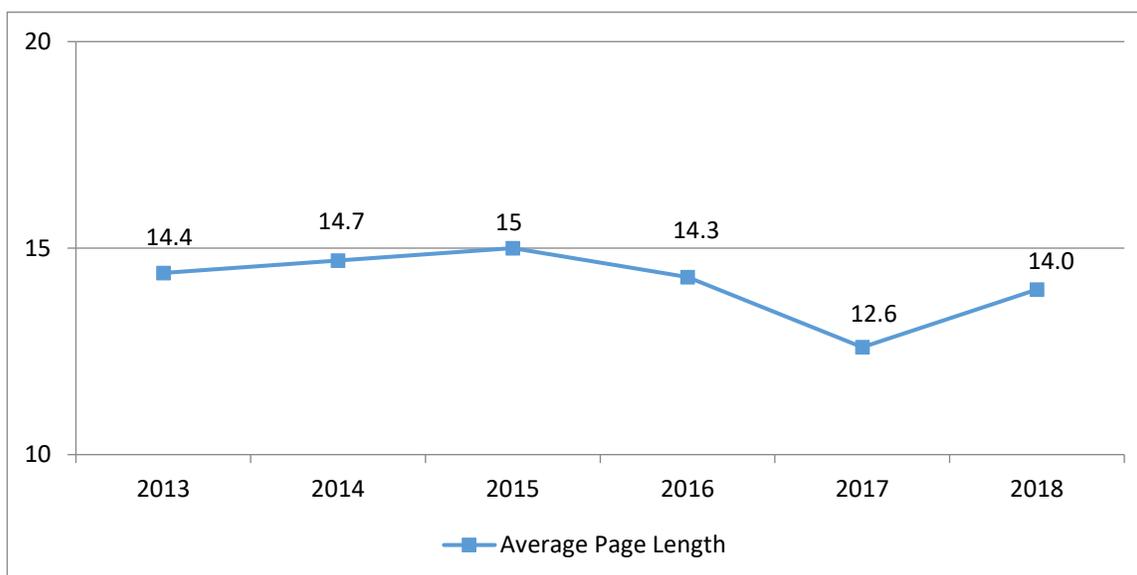
(c) Length of Published Opinions

The average page length of opinions is up 11.1% from 2017.

**Table 27 - Average Page Length**

<b>Year</b>	<b>Page Length</b>
2013	14.4
2014	14.7
2015	15.0
2016	14.3
2017	12.6
2018	14.0

**Table 28 - Length of Published Opinions by Graph**



**5. Reversal Rate**

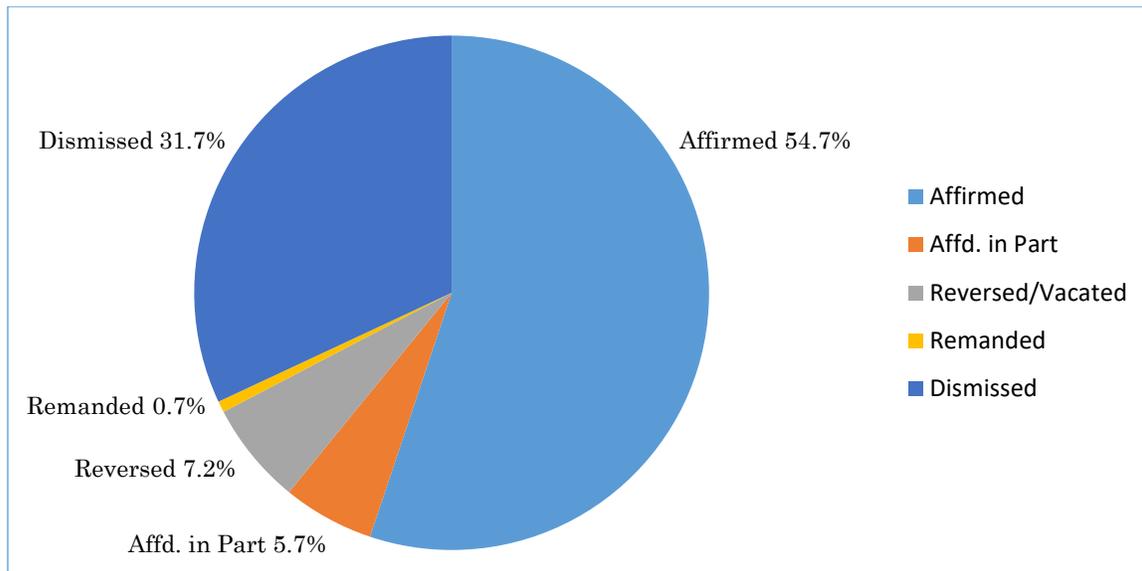
The 2018 reversed/vacated rate of 7.2% is greater than the 6.4% reversed/vacated rate in 2017.

**Table 29 - Reversal Rate**

	2018								2017
	Summary		Hearing		Conference Calendar		Overall		Overall
	No.	%	No.	%	No.	%	No.	%	%
Affirmed	1054	65.6	496	57.3	1	0.3	1551	54.7	55.0
Affd. In Part	68	4.2	94	10.9	0	0.0	162	5.7	5.2
Dismissed	431	26.8	107	12.4	361	99.2	899	31.7	32.2
Remanded	5	0.3	16	1.8	0	0	21	0.7	1.2
Transferred	0	0	0	0	0	0	0	0	0
Reversed/Vacated*	49	3.1	152	17.6	2	0.5	203	7.2	6.4
<b>Total</b>	<b>1607</b>	<b>100.0</b>	<b>865</b>	<b>100.0</b>	<b>364</b>	<b>100.0</b>	<b>2836</b>	<b>100.0</b>	<b>100.0</b>

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

**Table 30 - Reversal Rate by Percentage by Graph**



## **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, 2017, through June 30, 2018 decreased by 18 cases over last year.

### **2. Opinion Output - Overall - 2013 - 2018**

The opinion workload for the entire court is shown in the following table.

**Table 31 - Opinion Output**

<b>Year</b>	<b>(a)* Opinions by Active Judges</b>	<b>(b)* Opinions by Non-Active Judges</b>	<b>(c) Total Opinion Output</b>	<b>(d) Opinions per Active Judge</b>
2013 <sup>1</sup>	2308	704	3012	154
2014 <sup>2</sup>	2188	849	3037	156
2015 <sup>3</sup>	2182	781	2963	145
2016 <sup>4</sup>	2436	700	3136	163
2017 <sup>5</sup>	2198	797	2995	157
2018 <sup>6</sup>	1736	1100	2836	139

\*Includes Augean conference.

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<sup>1</sup> In 2013, there were 15 active judges, 7 non-active judges and 2 visiting judges.

<sup>2</sup> In 2014, there were 15 active judges, 7 non-active judges and 6 visiting judges.

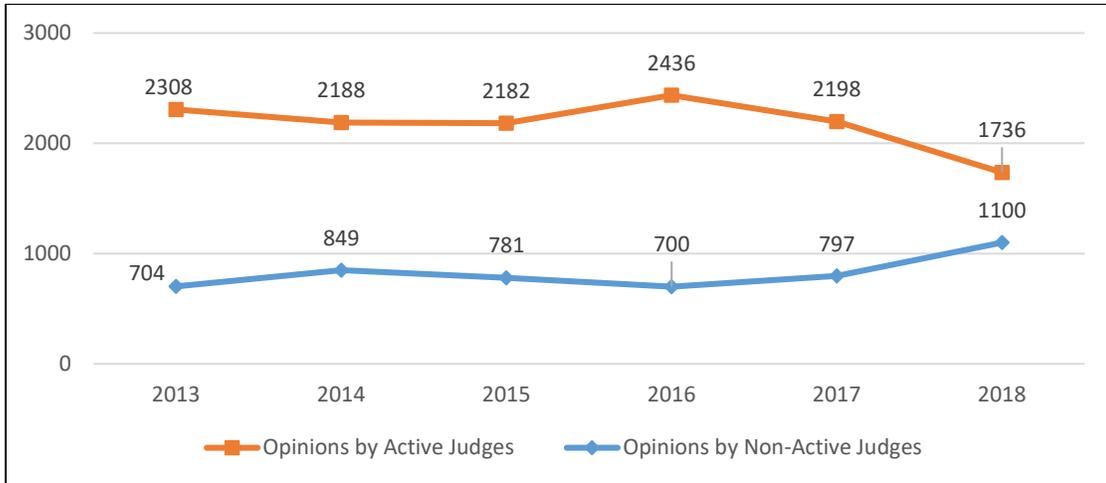
<sup>3</sup> In 2015, there were 15 active judges, 7 non-active judges and 10 visiting judges.

<sup>4</sup> In 2016, there were 15 active judges, 6 non-active judges and 7 visiting judges.

<sup>5</sup> In 2017, there were 14 active judges, 7 non-active judges and 2 visiting judges.

<sup>6</sup> In 2018, there were 16 active judges, 9 non-active judges and 2 visiting judges.

**Table 32 - Opinion Output - Active & Non-Active Judges**



\*Includes Augean conference.

### **3. Overall Workload**

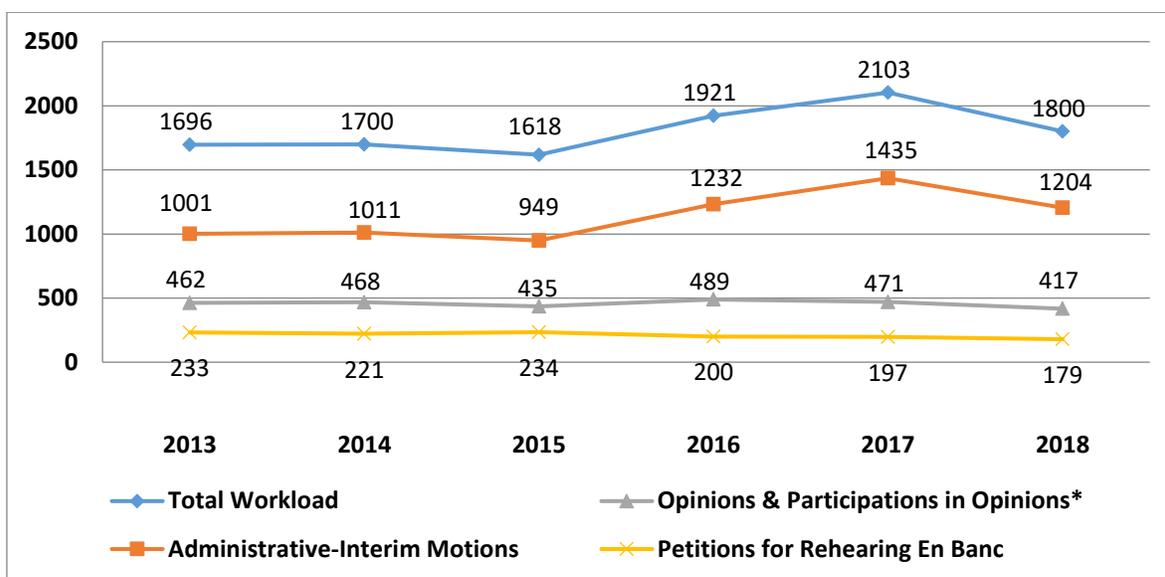
The average opinions per active judge does not give a complete measure of the active judges' overall workload. Participation in other panel members' opinions in fully briefed cases, conference calendar panels, Augean conference panels, as well as consideration of petitions for rehearing en banc and administrative-interim motions are also other important work factors. Overall, active judges handled 303 fewer matters per judge than last year. **Enclosure B**, page 29, shows the total average annual workload per active judge, based on the court's summary calendar, seven sessions of court per active judge, and other workload figures as follows:

**Table 33 - Overall Workload**

	Per Active Judge					
	2013	2014	2015	2016	2017	2018
Opinions and Participations in Opinions*	462	468	435	489	471	417
Petitions for Rehearing En Banc	233	221	234	200	197	179
Administrative-Interim Motions	1001	1011	949	1232	1435	1204
<b>Total Workload</b>	<b>1696</b>	<b>1700</b>	<b>1618</b>	<b>1921</b>	<b>2103</b>	<b>1800</b>

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

**Table 34 - Overall Workload by Graph**



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

**G. SCREENING CLASSIFICATIONS**

**1. Cases Screened by Judges**

The following table demonstrates the number and percentages of the cases disposed of by the oral argument calendar. There was an increase in percentage of

cases sent to the oral argument calendar.

**Table 35 - Screening Classifications**

CLASS								
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total	
	No.	%	No.	%	No.	%	No.	%
2013	2057 <sup>1</sup>	72.0	795	27.8	5	0.2	2857 <sup>1</sup>	100.0
2014	2032 <sup>2</sup>	72.9	756	27.1	0	0.0	2788 <sup>2</sup>	100.0
2015	2002 <sup>3</sup>	72.8	745	27.1	3	0.1	2750 <sup>3</sup>	100.0
2016	2183 <sup>4</sup>	73.2	798	26.8	0	0.0	2981 <sup>4</sup>	100.0
2017	2076 <sup>5</sup>	71.9	810	28.1	1	0.0	2887 <sup>5</sup>	100.0
2018	1954 <sup>6</sup>	71.6	772	28.3	3	0.1	2729 <sup>6</sup>	100.0
Total	12,304 <sup>7</sup>	72.4	4677	27.5	11	0.1	16,992 <sup>7</sup>	100.0

Argument was held in 58.3% of the 775 cases designated as Class III and IV.

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<sup>1</sup> Includes 394 conference calendar opinions.

<sup>2</sup> Includes 499 conference calendar opinions.

<sup>3</sup> Includes 447 conference calendar opinions.

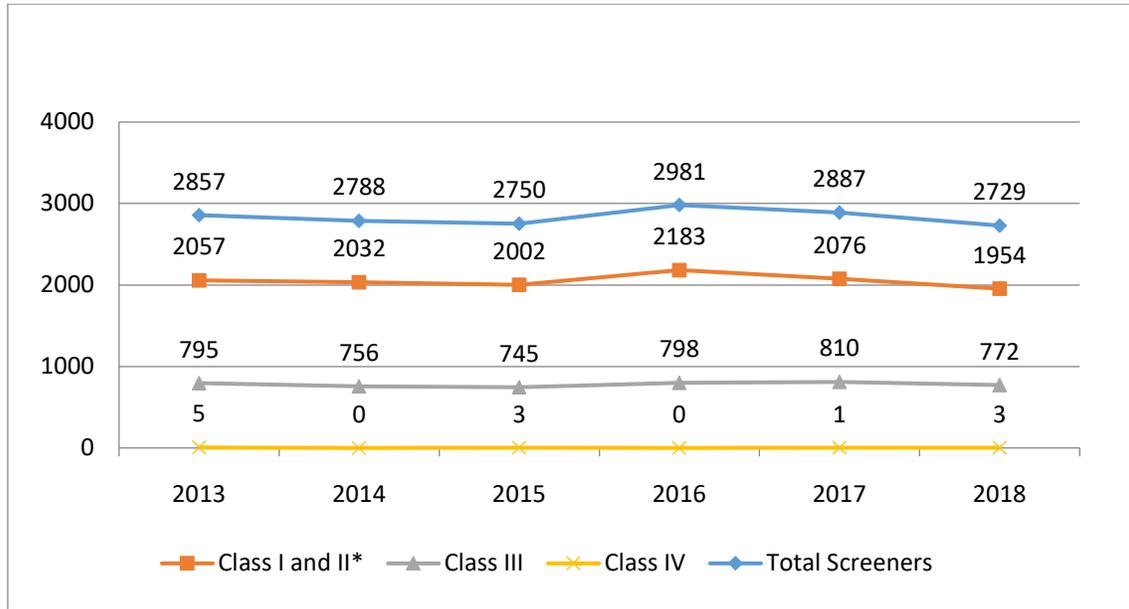
<sup>4</sup> Includes 647 conference calendar opinions.

<sup>5</sup> Includes 421 conference calendar opinions.

<sup>6</sup> Includes 360 conference calendar opinions.

<sup>7</sup> Includes 2768 conference calendar opinions.

**Table 36 - Screening Classifications by Graph**



\* Includes conference calendar cases.

Several additional screening tables follow:

(a) Screening Classifications by Case Type

**Enclosure C**, page 30, shows the number of cases classified and the summary calendar percentage by case type. Extracting only the summary calendar percentages for comparison with prior years, we see:

**Table 37 - Summary Calendar Percentage by Case Type**

Case Type	Summary Calendar Percentage (%)					
	2013	2014	2015	2016	2017	2018
CRIMINAL DIRECT	83.3	86.1	86.5	88.0	84.3	86.5
CRIMINAL NON-DIRECT	94.8	83.5	85.2	91.7	91.6	96.2
PRISONER CASES						
W/cnsl	24.0	40.0	18.7	35.0	25.0	34.6
W/O cnsl	84.6	86.4	86.5	86.3	89.5	87.0

	<b>Summary Calendar Percentage (%)</b>					
<b>Case Type</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
2255						
W/cnsl	53.8	0.0	0.0	0.0	25.0	16.7
W/O cnsl	47.6	61.5	40.0	36.4	61.5	91.7
CIVIL						
Diversity	32.7	43.1	39.8	39.8	41.0	30.4
Federal Question	33.5	27.6	30.2	28.5	27.7	27.4
U.S. Civil	43.1	48.9	40.3	42.1	29.5	30.2
Tax	20.0	11.1	50.0	0.0	50.0	0.0
Bankruptcy	18.8	26.4	28.9	24.4	37.1	28.1
Civil Rights	56.5	56.6	50.6	46.0	37.6	40.1
BIA	87.3	82.0	86.6	84.6	81.9	85.8
Tax Court	40.0	41.7	33.3	33.3	33.3	33.3
Other Agency	39.1	53.8	31.2	15.2	30.8	10.0
Social Security	83.3	66.7	66.7	81.0	81.8	37.5
Mandamus	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>72.0</b>	<b>72.9</b>	<b>72.8</b>	<b>73.2</b>	<b>72.0</b>	<b>71.6</b>

## H. EN BANC PETITIONS AND REHEARINGS

The court received 175 petitions for en banc rehearing, a decrease of 23 from the prior year (198). Parties requested en banc rehearing in 6.2% of the cases with opinions. The court acted upon 179 petitions for en banc rehearing and 15 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 167 cases, 11 of which were after a poll. The court granted six petitions for rehearing en banc by the parties. In two other cases, the court sua sponte granted en banc rehearing. See **Enclosure D**, page 31.

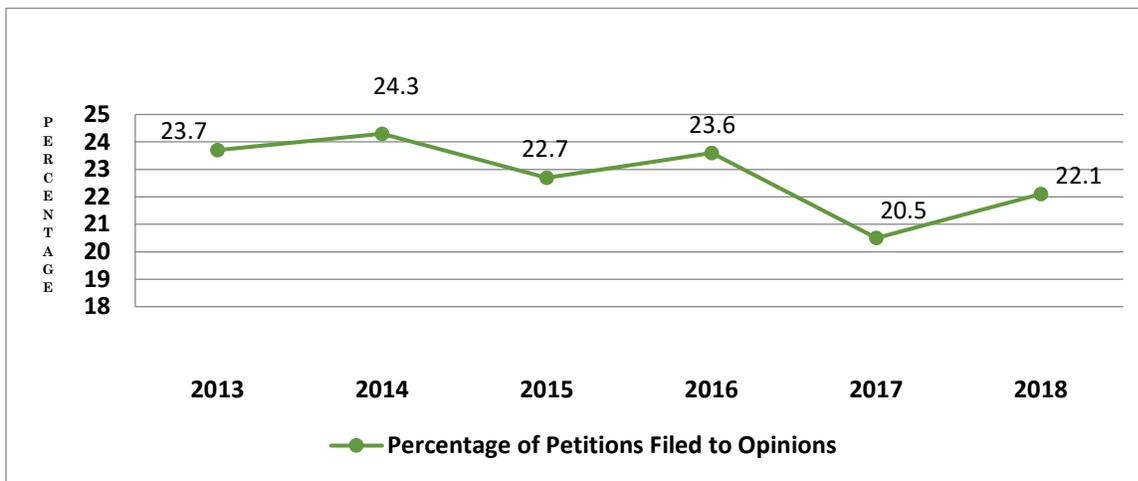
**I. PETITIONS FOR CERTIORARI**

The number of petitions filed is as follows:

**Table 38 - Petitions for Certiorari**

<b>Petitions Filed</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Criminal	332	365	327	440	349	304
U.S. Civil	105	90	70	56	59	67
Private Civil	268	277	269	238	194	244
Administrative Appeals	8	7	8	5	12	11
<b>TOTAL</b>	<b>713</b>	<b>739</b>	<b>674</b>	<b>739</b>	<b>614</b>	<b>626</b>
<b>Opinions Rendered</b>	<b>3012</b>	<b>3037</b>	<b>2963</b>	<b>3136</b>	<b>2995</b>	<b>2836</b>
<b>% of Petitions filed to Opinions</b>	<b>23.7</b>	<b>24.3</b>	<b>22.7</b>	<b>23.6</b>	<b>20.5</b>	<b>22.1</b>

**Table 39 - Petitions for Certiorari by Graph**



The Supreme Court took action on 648 cases from our Court compared with 584 last year. The Court granted 69 petitions, 47 more than last year, or 10.6% of the total. (For additional information, see **Enclosure E**, page 32.)

**J. ADMINISTRATIVE-INTERIM MOTIONS**

The administrative-interim motions decreased to 3812 from 4099 last year, to an average of 346 initiating actions per active judge. When panel matters are considered, each judge acted on 1204 such motions, down from 1435 last year. See **Enclosure F**, page 33, for other details.

## Table of New Appeals Docketed by Case Type as of 6/30/2018

CASE TYPE	(a)	(b)		(c)	(d)												
	MO. % 2017-2018	CUMULATIVE % 16-17    17-18		2016 2017	2017 2018	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
CRIMINAL CASES	32.98%	31.26%	29.37%	2,310	2,158	163	202	164	183	160	166	155	163	227	183	177	215
PRISONER CASES																	
w/counsel	1.69%	2.30%	2.71%	170	199	10	13	20	27	14	15	19	17	14	15	24	11
w/o counsel	19.94%	25.76%	26.36%	1,904	1,937	164	161	164	189	167	140	155	140	183	152	192	130
Succ Habeas	7.36%	9.85%	6.76%	728	497	34	48	40	41	38	38	35	31	41	54	49	48
Non-Pd Mandamus	3.37%	2.30%	2.00%	170	147	8	18	13	12	8	8	11	8	8	14	17	22
<b>SUB-TOTAL</b>	<b>65.34%</b>	<b>71.47%</b>	<b>67.21%</b>	<b>5,282</b>	<b>4,938</b>	<b>379</b>	<b>442</b>	<b>401</b>	<b>452</b>	<b>387</b>	<b>367</b>	<b>375</b>	<b>359</b>	<b>473</b>	<b>418</b>	<b>459</b>	<b>426</b>
<b>CIVIL</b>																	
Private Civil	16.41%	11.77%	14.96%	870	1,099	48	81	77	81	55	62	123	103	112	124	126	107
Diversity	4.91%	5.94%	5.05%	439	371	28	43	37	41	25	18	29	23	27	37	31	32
Fed. Quest.	11.50%	5.83%	9.91%	431	728	20	38	40	40	30	44	94	80	85	87	95	75
U.S. CIVIL	1.38%	1.69%	1.33%	125	98	2	5	17	13	10	9	6	5	8	6	8	9
Tax	0.00%	0.09%	0.11%	7	8	0	2	1	0	0	2	0	0	1	0	2	0
Tax Court	0.15%	0.22%	0.20%	16	15	1	0	2	0	1	2	0	2	1	4	1	1
Bankruptcy	1.23%	0.85%	1.17%	63	86	7	5	7	3	3	12	10	3	7	13	8	8
BIA	6.13%	4.74%	5.35%	350	393	28	22	28	33	26	26	35	36	51	42	26	40
Other Agency	0.61%	0.62%	0.60%	46	44	1	4	0	1	6	5	4	7	4	5	3	4
Civil Rights	7.82%	7.21%	7.99%	533	587	47	47	43	52	40	40	58	37	54	68	50	51
Soc. Security	0.00%	0.24%	0.10%	18	7	0	0	0	1	1	0	1	0	3	1	0	0
Mandamus	0.46%	0.53%	0.37%	39	27	2	2	1	4	4	0	2	4	1	3	1	3
Miscellaneous	0.46%	0.55%	0.61%	41	45	2	5	4	1	3	3	6	4	4	3	7	3
<b>SUB-TOTAL</b>	<b>34.66%</b>	<b>28.53%</b>	<b>32.79%</b>	<b>2,108</b>	<b>2,409</b>	<b>138</b>	<b>173</b>	<b>180</b>	<b>189</b>	<b>149</b>	<b>161</b>	<b>245</b>	<b>201</b>	<b>246</b>	<b>269</b>	<b>232</b>	<b>226</b>
<b>TOTAL APPEALS</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>7,390</b>	<b>7,347</b>	<b>517</b>	<b>615</b>	<b>581</b>	<b>641</b>	<b>536</b>	<b>528</b>	<b>620</b>	<b>560</b>	<b>719</b>	<b>687</b>	<b>691</b>	<b>652</b>

Legend:

Col: (a): Monthly Percentage Make-Up of the New Filings

(b): The Cumulative Percentage for the corresponding months in 16-17 compared with 17-18

(c): The Cumulative Total Filings for the corresponding months in 16-17

(d): The Cumulative Total for 17-18

ENCLOSURE A

**WORKLOAD PER ACTIVE JUDGE**

I.	SUMMARY CALENDAR CASES*			
	(a) Opinions or dispositions as initiating judge	74		
	(b) Participations in opinions or dispositions of other panel members		148	
	(c) Sub-total summary calendar cases			222
II.	CONFERENCE CALENDAR CASES*			
	(a) Opinions or dispositions as initiating judge	16		
	(b) Participations in opinions or dispositions of other panel members		32	
	(c) Sub-total conference calendar cases			48
III.	HEARING CALENDAR AND OTHER CASES*			
	(a) Opinions or dispositions as writing judge	49		
	(b) Participations in opinions or dispositions of other panel members		98	
	(c) Sub-total oral argument cases			147
IV.	TOTAL OPINIONS (I(a), II(a), III (a))*	139		
V.	TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b), III (b))*		278	
VI.	TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c), III (c))*			417
VII.	PETITIONS FOR REHEARING EN BANC			179
VIII.	ADMINISTRATIVE-INTERIM MATTERS			
	(a) Single Judge Matters	211		
	(b) Participation in panel matters as initiating judge	331		
	(c) Participation in panel matters of other panel members		662	
	(d) Sub-total administrative - interim matters			1204
IX.	TOTAL MATTERS PARTICIPATED IN PER JUDGE			1800

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

**SUMMARY OF SCREENING CLASSIFICATIONS**  
**BY CASE TYPE**

PERIOD: July 1, 2017 - June 30, 2018

<b><u>CASE TYPE</u></b>	<b><u>I</u></b>	<b><u>II</u></b>	<b><u>III</u></b>	<b><u>IV</u></b>	<b><u>TOTAL</u></b>	<b><u>% OF I AND II'S TO TOTAL CASES</u></b>
CRIMINAL DIRECT	600	614	190	0	1404	86.5
CRIMINAL NON-DIRECT	62	66	5	0	133	96.2
PRISONER CASES						
HC-W	0	5	10	0	15	33.3
HC-W/O	6	43	11	0	60	81.7
1983-W	0	4	5	0	9	44.4
1983-W/O	16	107	14	0	137	89.8
O. Pris.-W	0	0	2	0	2	0.0
O. Pris. W/O	0	15	3	0	18	83.3
2255-W	0	2	10	0	12	16.7
2255-W/O	1	10	1	0	12	91.7
CIVIL						
Diversity	4	64	156	0	224	30.4
Fed. Question	2	43	118	1	164	27.4
U.S. Civil	1	12	29	1	43	30.2
Tax	0	0	3	0	3	0.0
Bankruptcy	0	9	23	0	32	28.1
Civ. Rights	4	95	147	1	247	40.1
BIA	0	163	27	0	190	85.8
Tax Court	0	2	4	0	6	33.3
Other Agency	1	0	9	0	10	10.0
Social Security	0	3	5	0	8	37.5
Mandamus	0	0	0	0	0	0.0
<b>TOTAL*</b>	<b>697</b>	<b>1257</b>	<b>772</b>	<b>3</b>	<b>2729</b>	<b>71.6</b>

\*Includes 360 Conference Calendar Cases.

**PETITIONS FOR REHEARING EN BANC AND EN BANC GRANTED**

<u>7/1/2017 - 6/30/2018</u>		<b>TOTAL</b>
<b>TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR</b>		19
<b>Petitions for Rehearing En Banc FILED this Year</b>		175
<b>Petitions for Rehearing En Banc DENIED</b>		167
w/poll vote	11	
w/o poll vote	156	
<b>En Banc GRANTED</b>		8
On Petition With Oral Argument	6	
On Petition Without Oral Argument	0	
Sua Sponte En Banc With Oral Argument	2	
Sua Sponte En Banc Without Oral Argument	0	
<b>Disposed of by Other Means</b>		4
<b>TOTAL PENDING AS OF 6/30/2018</b>		15

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

**SUMMARY**

**PERIOD: JULY 1, 2017 - JUNE, 30, 2018**

TYPE	TYPE OF DISPOSITION					PENDING 06/30/18
	PENDING 07/01/17	NUMBER FILED	GRANTED	DENIED	DISMISSED	
TOTAL	142	626	69	571	8	120
CRIM	82	304	63	274	0	49
USC	11	67	2	60	3	13
PRIV. CIV.	46	244	3	227	5	55
ADM.*	3	11	1	10	0	3

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

**MONTHLY REPORT OF ADMINISTRATIVE MOTIONS SUBMITTED TO JUDGES (FY 2018)**

Motions to or for:	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTALS
Dismiss	32	30	21	20	21	17	22	17	16	26	35	23	280
Reinstate Appeal	0	1	2	0	4	0	2	3	1	2	1	3	19
Appointment of Counsel	5	6	5	8	6	8	6	4	10	5	7	4	74
Expedite Hearing, for Continuance, or Special Assignment	2	4	5	0	1	2	0	3	2	0	2	4	25
Stay or for Injunction and/or Supersedeas Pending Appeal	13	14	12	13	12	11	17	17	21	19	16	19	184
Supplement the Record	5	13	13	6	2	4	2	5	5	14	5	3	77
Strike Briefs, Designations for Printing, etc	3	3	5	2	5	5	9	4	1	5	0	1	43
Excess Pages in Brief	0	3	3	3	3	3	1	5	3	2	1	1	28
Bail Pending appeal	2	2	2	0	0	0	0	1	1	0	2	0	10
Interlocutory Appeal (Sec. 1292(b))	4	4	2	1	1	4	2	4	4	4	1	4	35
Jurisdiction	35	43	45	37	34	29	33	43	44	36	37	43	459
Withdraw as Counsel	8	6	14	5	15	6	4	8	11	8	5	9	99
Extensions of Time	14	11	11	22	17	20	10	16	14	13	23	7	178
Certificate of Appealability	62	59	56	64	49	45	68	45	43	60	52	38	641
Leave to Appeal In Forma Pauperis	20	22	29	26	22	8	20	20	44	15	17	16	259
Issuance of COA and Leave to Appeal In Forma Pauperis	15	21	20	17	10	13	19	18	15	21	28	17	214
Mandamus or Prohibition	9	13	10	7	11	7	7	13	8	8	5	4	102
Successive Petitions	33	41	43	32	41	30	18	29	32	26	38	66	429
Miscellaneous Motions	52	82	51	67	46	52	50	53	56	55	42	50	656
TOTALS	314	378	349	330	300	264	290	308	331	319	317	312	3812