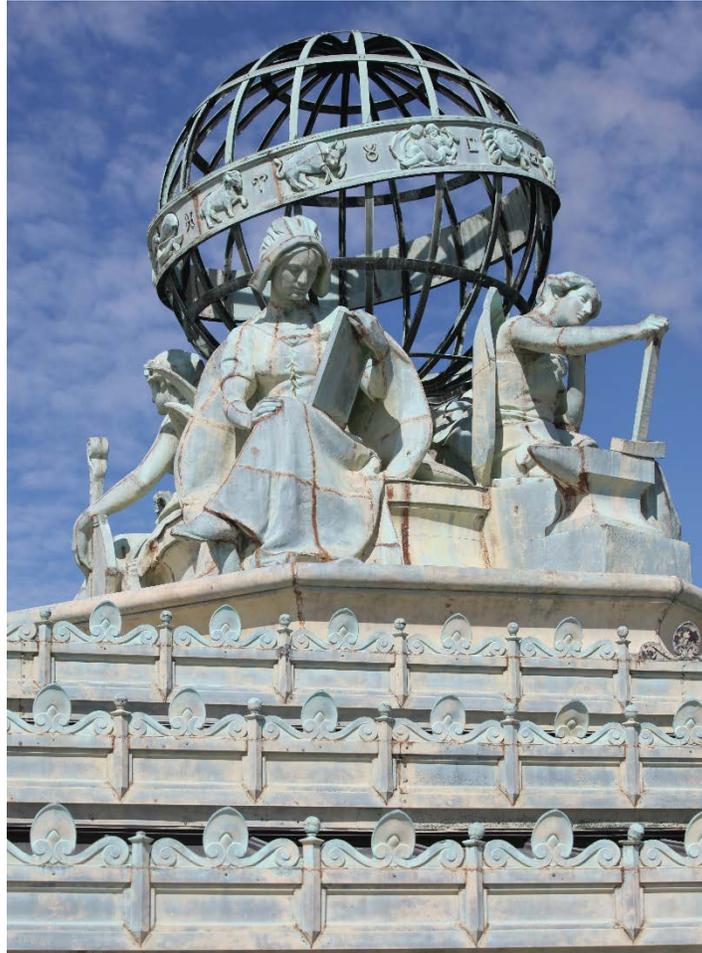


JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2016 - JUNE 2017

## 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, 2016, through June 30, 2017.

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

## INDEX

|                                                                                    |     |
|------------------------------------------------------------------------------------|-----|
| Index of Tables.....                                                               | iii |
| Index of Enclosures.....                                                           | v   |
| SUMMARY OF ANNUAL REPORT.....                                                      | vi  |
| A.    NEW FILINGS .....                                                            | 1   |
| 1.    New Appeals Filed .....                                                      | 1   |
| 2.    Source of New Appeals by Type.....                                           | 1   |
| 3.    Source of New Appeals by District .....                                      | 3   |
| B.    CLOSED APPEALS .....                                                         | 6   |
| 1.    Yearly Comparison.....                                                       | 6   |
| 2.    Method of Disposition .....                                                  | 6   |
| C.    UNDISPOSED OF (PENDING) APPEALS/CASES.....                                   | 7   |
| 1.    Cases Under Submission .....                                                 | 8   |
| 2.    Unassigned Carry-Over .....                                                  | 8   |
| D.    SUMMARY OF APPEALS COMMENCED, TERMINATED AND PENDING<br>.....                | 10  |
| E.    OPINIONS.....                                                                | 11  |
| 1.    Number of Opinions, Published and Unpublished .....                          | 11  |
| 2.    Types of Opinions.....                                                       | 12  |
| 3.    Types of Opinions by Summary, Oral Argument and Conference<br>Calendars..... | 13  |
| (a)    Summary Calendar.....                                                       | 13  |
| (b)    Oral Argument Calendar .....                                                | 13  |
| (c)    Conference Calendar.....                                                    | 14  |
| 4.    Published and Unpublished Opinions.....                                      | 14  |
| (a)    Number and Percentage - 2017 .....                                          | 14  |
| (b)    Percentage Comparison (Published) - 2012 - 2017 .....                       | 16  |
| (c)    Length of Published Opinions .....                                          | 16  |
| 5.    Reversal Rate .....                                                          | 17  |
| F.    WORKLOAD PER ACTIVE JUDGE.....                                               | 19  |
| 1.    Opinion Output - Per Active Judge .....                                      | 19  |

|     |                                             |    |
|-----|---------------------------------------------|----|
| 2.  | Opinion Output - Overall - 2012 - 2017..... | 19 |
| 3.  | Overall Workload .....                      | 20 |
| G.  | SCREENING CLASSIFICATIONS.....              | 21 |
| 1.  | Cases Screened by Judges .....              | 21 |
| (a) | Screening Classifications by Case Type..... | 23 |
| H.  | EN BANC PETITIONS AND REHEARINGS .....      | 25 |
| I.  | PETITIONS FOR CERTIORARI.....               | 26 |
| J.  | ADMINISTRATIVE-INTERIM MOTIONS .....        | 27 |

Index of Tables

**Table 1 - New Appeals Filed..... 1**

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

**Table 3 - 2017 New Appeals by Case Type..... 3**

**Table 4 - New Appeals by District..... 4**

**Table 5 - New Appeals by State ..... 5**

**Table 6 - New Appeals 2016 by State ..... 5**

**Table 7 - New Appeals 2017 by State ..... 5**

**Table 8 - Appeals and Cases Closed..... 6**

**Table 9 - Method of Disposition ..... 6**

**Table 10 - Method of Disposition by Graph..... 7**

**Table 11 - Pending Appeals/Cases ..... 7**

**Table 12 - Cases Under Submission..... 8**

**Table 13 - Unassigned Carry-Over..... 9**

**Table 14 - Unassigned Carry-Over by Category ..... 9**

**Table 15 - Summary of Appeals Commenced, Terminated and Pending..... 10**

**Table 16 - Number of Opinions, Published and Unpublished ..... 11**

**Table 17 - Number of Opinions, Published and Unpublished by Graph..... 11**

**Table 18 - Types of Opinions..... 12**

**Table 19 - Types of Opinions by Graph ..... 12**

**Table 20 - Summary Calendar Opinions ..... 13**

**Table 21 - Oral Argument Opinions..... 14**

|                                                                          |           |
|--------------------------------------------------------------------------|-----------|
| <b>Table 22 - Opinion Number and Percentage 2017.....</b>                | <b>14</b> |
| <b>Table 23 - Signed Opinions Number and Percentage .....</b>            | <b>15</b> |
| <b>Table 24 - Per Curiam Opinions Number and Percentage.....</b>         | <b>15</b> |
| <b>Table 25 - Published Opinion Percentage .....</b>                     | <b>16</b> |
| <b>Table 26 - Published Opinion Percentage Comparison by Graph .....</b> | <b>16</b> |
| <b>Table 27 - Average Page Length.....</b>                               | <b>17</b> |
| <b>Table 28 - Length of Published Opinions by Graph.....</b>             | <b>17</b> |
| <b>Table 29 - Reversal Rate .....</b>                                    | <b>18</b> |
| <b>Table 30 - Reversal Rate by Percentage by Graph .....</b>             | <b>18</b> |
| <b>Table 31 - Opinion Output.....</b>                                    | <b>19</b> |
| <b>Table 32 - Opinion Output - Active &amp; Non-Active Judges.....</b>   | <b>20</b> |
| <b>Table 33 - Overall Workload.....</b>                                  | <b>21</b> |
| <b>Table 34 - Overall Workload by Graph .....</b>                        | <b>21</b> |
| <b>Table 35 - Screening Classifications .....</b>                        | <b>22</b> |
| <b>Table 36 - Screening Classifications by Graph.....</b>                | <b>23</b> |
| <b>Table 37 - Summary Calendar Percentage by Case Type.....</b>          | <b>23</b> |
| <b>Table 38 - Petitions for Certiorari.....</b>                          | <b>26</b> |
| <b>Table 39 - Petitions for Certiorari by Graph.....</b>                 | <b>26</b> |

Index of Enclosures

Table of New Appeals Docketed.....Enclosure A

Workload per Active Judge..... Enclosure B

Summary of Screening Classification by Case Type.....Enclosure C

Petitions for Rehearing En Banc and En Banc Grants.....Enclosure D

List of Petitions for Certiorari Filed, Acted on, and Pending.....Enclosure E

Monthly Report of Administrative-Motions Submitted to Judges.....Enclosure F

## SUMMARY OF ANNUAL REPORT

The following summarizes the court's judicial business:

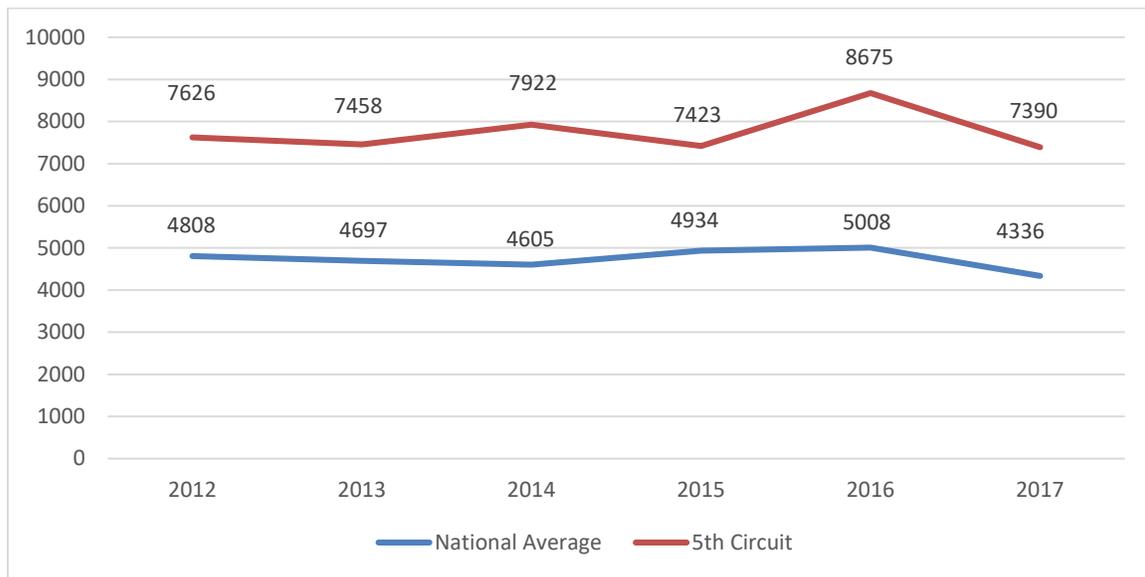
|                                                              | 2012  | 2013  | 2014  | 2015  | 2016   | 2017  |
|--------------------------------------------------------------|-------|-------|-------|-------|--------|-------|
| <b>New Appeals</b>                                           | 7626  | 7458  | 7922  | 7423  | 8675   | 7390  |
| <b>Terminations</b>                                          | 7403  | 7501  | 7941  | 7350  | 7747   | 8214  |
| By Judges                                                    | 4671  | 4834  | 4971  | 4692  | 5007   | 5335  |
| By Clerk                                                     | 1880  | 1800  | 1689  | 1738  | 1827   | 1858  |
| By Consolidation                                             | 852   | 867   | 1281  | 920   | 913    | 1021  |
| <b>Pending Appeals</b>                                       | 4772  | 4730  | 4710  | 4783  | 5713   | 4888  |
| <b>Total Cases Screened for Decision as to Oral Argument</b> | 2886  | 2857  | 2788  | 2750  | 2981   | 2887  |
| <b>Cases Sent to:</b>                                        |       |       |       |       |        |       |
| Summary Calendar                                             | 1641  | 1663  | 1533  | 1555  | 1536   | 1655  |
| Conference Calendar                                          | 414   | 394   | 499   | 447   | 647    | 421   |
| Oral Argument Calendar                                       | 831   | 800   | 756   | 748   | 798    | 811   |
| Summary Calendar Rate                                        | 66.4% | 67.5% | 67.0% | 67.6% | 65.8%  | 67.1% |
| Conference & Summary Calendar Rate                           | 71.2% | 72.0% | 72.9% | 72.8% | 73.25% | 72.0% |
| <b>Cases Ready for Argument</b>                              | 130   | 79    | 47    | 57    | 9      | 148   |
| <b>Cases Pending Under Submission</b>                        | 143   | 167   | 135   | 141   | 158    | 133   |
| 90-day Cases                                                 | 44    | 67    | 55    | 41    | 55     | 47    |
| <b>Total Opinions</b>                                        | 3024  | 3012  | 3037  | 2963  | 3136   | 2995  |
| Published Opinions                                           | 370   | 369   | 404   | 371   | 422    | 457   |
| Unpublished Opinions                                         | 2654  | 2643  | 2633  | 2592  | 2714   | 2538  |
| Opinions per Active Judge                                    | 144   | 154   | 156   | 145   | 163    | 157   |
| Publication Rate                                             | 12.2% | 12.2% | 13.3% | 12.5% | 13.5%  | 15.3% |
| Page Length of Published Opinions                            | 9.1   | 14.4  | 14.7  | 15.0  | 14.3   | 12.6  |
| <b>Participations per Active Judge in Opinions</b>           | 432   | 462   | 468   | 435   | 489    | 471   |
| <b>En Banc Cases</b>                                         | 6     | 6     | 3     | 4     | 6      | 2     |
| <b>Motions per Active Judge</b>                              | 1063  | 1001  | 1011  | 949   | 1232   | 1435  |

**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 1285 appeal decrease (14.8%), from 8675 to 7390 appeals. Criminal appeals dropped by 694 (23.1%); successive habeas petitions decreased by 576 (44.2%). Prisoner appeals increased by 63 (3.1%); diversity appeals increased by 60 (15.8%).

**Table 1 - New Appeals Filed**



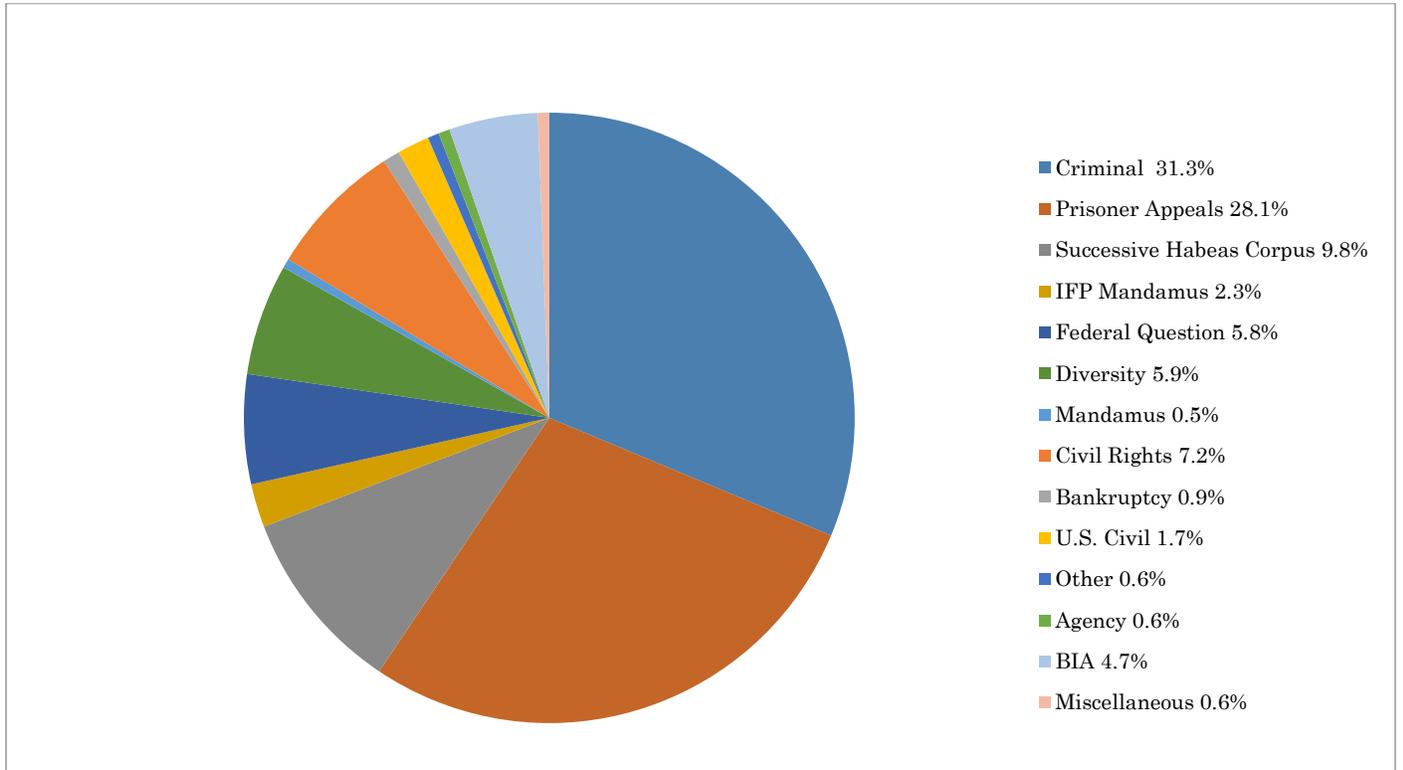
**2. Source of New Appeals by Type**

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2017 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 '16 |       |
|--------------------------|------|------|------|------|------|------|-----------------|-------|
|                          | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | No.             | %     |
| Criminal                 | 2688 | 2316 | 2463 | 2523 | 3004 | 2310 | -694            | -23.1 |
| Prisoner Appeals         | 2218 | 2097 | 2215 | 2124 | 2011 | 2074 | +63             | +3.1  |
| Successive Habeas Corpus | 410  | 490  | 670  | 484  | 1304 | 728  | -576            | -44.2 |
| IFP Mandamus             | 104  | 100  | 120  | 141  | 145  | 171  | +26             | +17.9 |
| Federal Question         | 413  | 599  | 541  | 409  | 506  | 431  | -75             | -14.8 |
| Diversity                | 433  | 472  | 430  | 392  | 379  | 439  | +60             | +15.8 |
| U.S. Civil               | 125  | 95   | 101  | 111  | 80   | 125  | +45             | +56.2 |
| Tax                      | 20   | 11   | 20   | 12   | 9    | 7    | -2              | -22.2 |
| Tax Court                | 13   | 21   | 10   | 12   | 9    | 16   | +7              | +77.8 |
| Civil Rights             | 554  | 556  | 552  | 561  | 538  | 533  | -5              | -0.9  |
| Bankruptcy               | 128  | 117  | 82   | 77   | 58   | 63   | +5              | +8.6  |
| Social Security          | 25   | 18   | 27   | 37   | 23   | 18   | -5              | -21.7 |
| BIA                      | 416  | 402  | 407  | 399  | 330  | 350  | +20             | +6.1  |
| Mandamus                 | 35   | 43   | 36   | 29   | 33   | 38   | +5              | +15.1 |
| Agency                   | 44   | 64   | 35   | 69   | 124  | 46   | -78             | -62.9 |
| Miscellaneous            | --   | 57   | 213  | 43   | 122  | 41   | -81             | -66.4 |
|                          | 7626 | 7458 | 7922 | 7423 | 8675 | 7390 | -1285           | -14.8 |

**Table 3 - 2017 New Appeals by Case Type**



Our biggest increase in filings was in prisoner and diversity appeals. Criminal and successive habeas petitions dropped significantly.

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

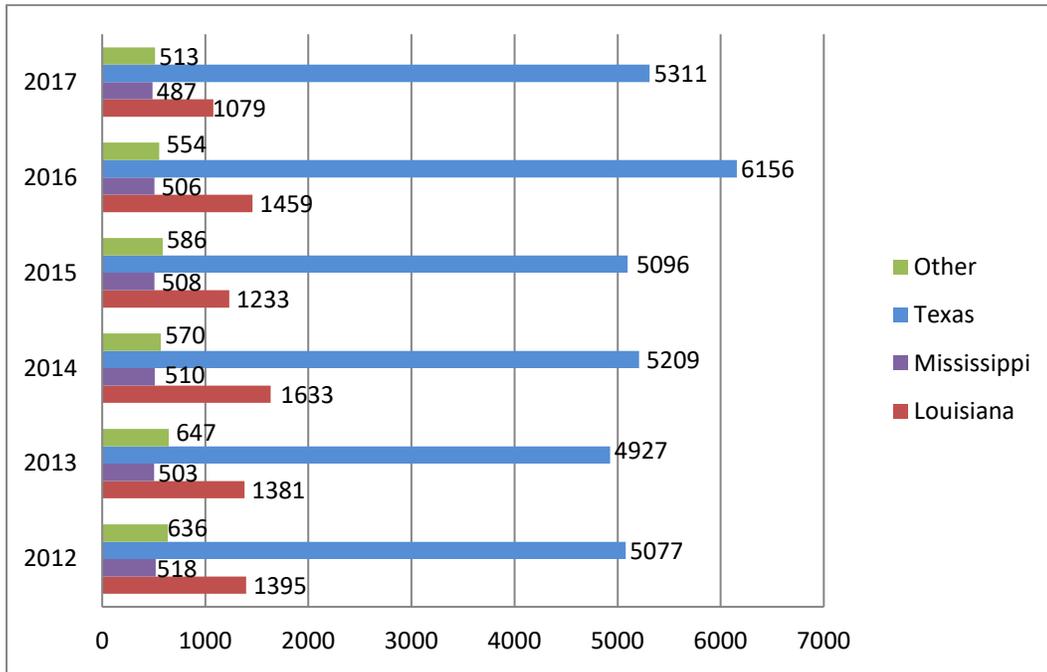
Only one of the nine districts, Southern Mississippi, showed an increase in appeals filed. Southern Texas decreased the most.

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

|                      | <b>2012</b> | <b>2013</b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> | <b>Change<br/>from '16</b> |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|----------------------------|
| Louisiana Eastern    | 635         | 578         | 930         | 552         | 623         | 575         | -48                        |
| Louisiana Middle     | 287         | 204         | 240         | 203         | 173         | 148         | -25                        |
| Louisiana Western    | 473         | 599         | 463         | 478         | 663         | 356         | -307                       |
| <b>Subtotal</b>      | <b>1395</b> | <b>1381</b> | <b>1633</b> | <b>1233</b> | <b>1459</b> | <b>1079</b> | <b>-380</b>                |
| Mississippi Northern | 178         | 195         | 175         | 163         | 155         | 132         | -23                        |
| Mississippi Southern | 340         | 308         | 335         | 345         | 351         | 355         | +4                         |
| <b>Subtotal</b>      | <b>518</b>  | <b>503</b>  | <b>510</b>  | <b>508</b>  | <b>506</b>  | <b>487</b>  | <b>-19</b>                 |
| Texas Northern       | 1349        | 1335        | 1525        | 1309        | 1757        | 1634        | -123                       |
| Texas Southern       | 1839        | 1714        | 1885        | 1891        | 2197        | 1797        | -400                       |
| Texas Eastern        | 545         | 579         | 413         | 590         | 623         | 600         | -23                        |
| Texas Western        | 1344        | 1299        | 1386        | 1306        | 1579        | 1280        | -299                       |
| <b>Subtotal</b>      | <b>5077</b> | <b>4927</b> | <b>5209</b> | <b>5096</b> | <b>6156</b> | <b>5311</b> | <b>-845</b>                |
| Agency               | 43          | 64          | 35          | 69          | 124         | 46          | -78                        |
| Bankruptcy           | 128         | 117         | 82          | 77          | 58          | 63          | +5                         |
| U.S. Tax Court       | 13          | 21          | 10          | 12          | 9           | 16          | +7                         |
| BIA                  | 417         | 402         | 407         | 399         | 330         | 350         | +20                        |
| Mandamus             | 35          | 43          | 36          | 29          | 33          | 38          | +5                         |
| <b>Subtotal</b>      | <b>636</b>  | <b>647</b>  | <b>570</b>  | <b>586</b>  | <b>554</b>  | <b>513</b>  | <b>-41</b>                 |
| <b>Total</b>         | <b>7626</b> | <b>7458</b> | <b>7922</b> | <b>7423</b> | <b>8675</b> | <b>7390</b> | <b>-1285</b>               |

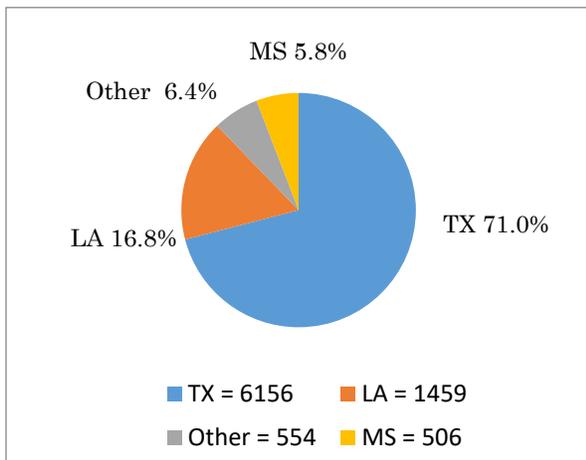
The graph below shows the six year trend of the appeals by state.

**Table 5 - New Appeals by State**

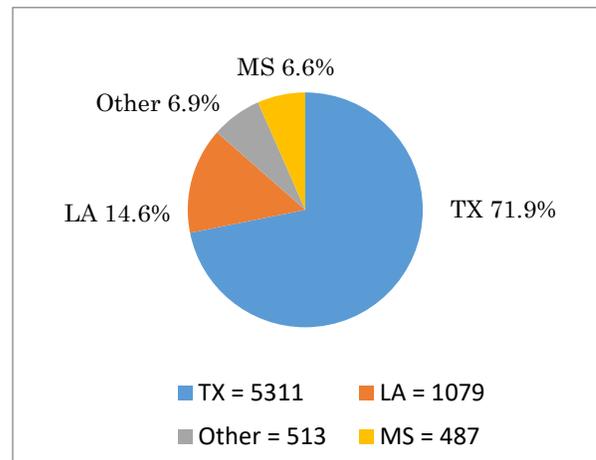


A comparison of the percentage of appeals by states for 2016 and 2017 is shown on the following charts:

**Table 6 - New Appeals 2016 by State**



**Table 7 - New Appeals 2017 by State**



## B. CLOSED APPEALS

### 1. Yearly Comparison

The court disposed of 467 more **appeals** this year, an increase of 6.0%.

**Table 8 - Appeals and Cases Closed**

|             | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | Change from '16 |       |
|-------------|------|------|------|------|------|------|-----------------|-------|
| All Appeals | 7403 | 7501 | 7941 | 7350 | 7747 | 8214 | +467            | +6.0% |
| Cases       | 6551 | 6634 | 6600 | 6430 | 6834 | 7193 | +359            | +5.3% |

### 2. Method of Disposition

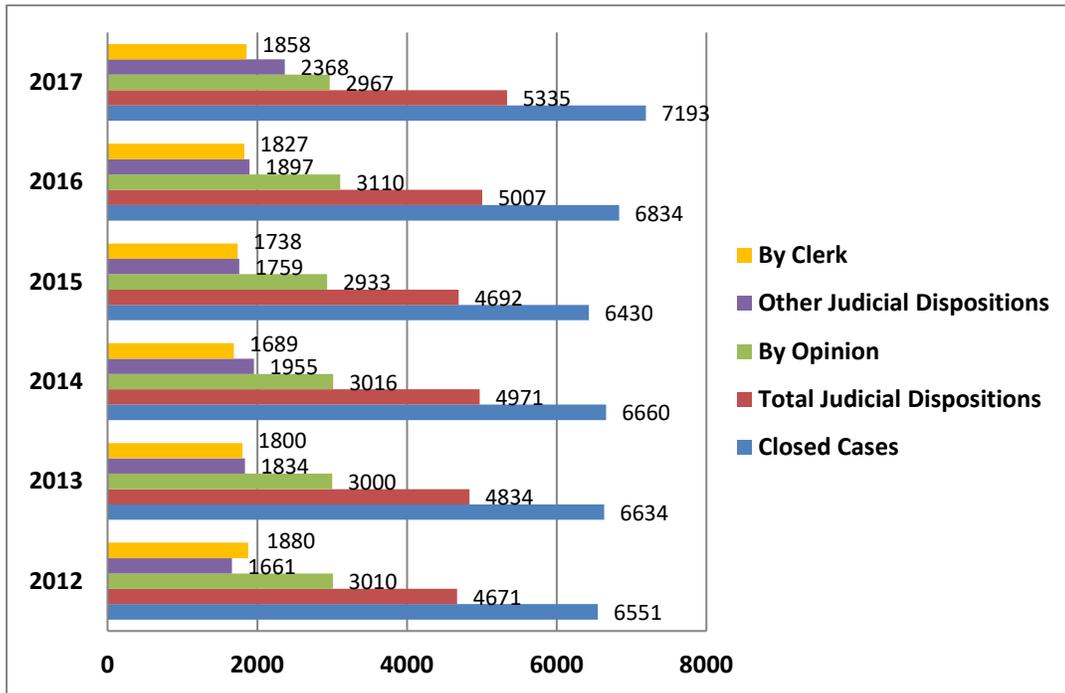
Overall, the court disposed of 359 more cases than last year. There were 143 fewer opinions, and other judicial dispositions increased by 471. Clerk dispositions increased by 31.

**Table 9 - Method of Disposition**

|                             | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | Change from '16 |
|-----------------------------|------|------|------|------|------|------|-----------------|
| By Opinion*                 | 3010 | 3000 | 3016 | 2933 | 3110 | 2967 | -143            |
| Other Judicial Dispositions | 1661 | 1834 | 1955 | 1759 | 1897 | 2368 | +471            |
| Total Judicial Dispositions | 4671 | 4834 | 4971 | 4692 | 5007 | 5335 | +328            |
| By Clerk                    | 1880 | 1800 | 1689 | 1738 | 1827 | 1858 | +31             |
| Closed Cases                | 6551 | 6634 | 6660 | 6430 | 6834 | 7193 | +359            |

\*Does not include 28 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 8214 **appeals** compared to 7390 filed. There are 4888 appeals pending compared to 5713 last year. There are 4227 cases pending this year compared with 4907 last year.

**Table 11 - Pending Appeals/Cases**

|                     | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | % Change from '16 |
|---------------------|------|------|------|------|------|------|-------------------|
| All Appeals Pending | 4772 | 4730 | 4710 | 4783 | 5713 | 4888 | -14.4             |
| Cases               | 4083 | 3914 | 4010 | 4127 | 4907 | 4227 | -13.9             |

The 4227 pending cases are characterized as either Cases Under Submission or Unassigned Carry-Over:

**1. Cases Under Submission**

Excluding cases consolidated for argument and decision (8), and held in abeyance by the judges (6), the pending cases argued and awaiting decision decreased from last year.

**Table 12 - Cases Under Submission**

|                 | <b>2012</b> | <b>2013</b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> |
|-----------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Active Judges   | 139         | 146         | 121         | 122         | 136         | 105         |
| Senior Judges   | 12          | 23          | 21          | 17          | 21          | 22          |
| Visiting Judges | 0           | 4           | 4           | 1           | 1           | 0           |
| Total           | 151         | 173         | 146         | 140         | 158         | 127         |

**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, 647 fewer than last year. This leaves 4092 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>2012</b> | 3924                    | 7626               | 51.4                                     |
| <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                                     |

The 4092 unassigned cases fall into the following categories.

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

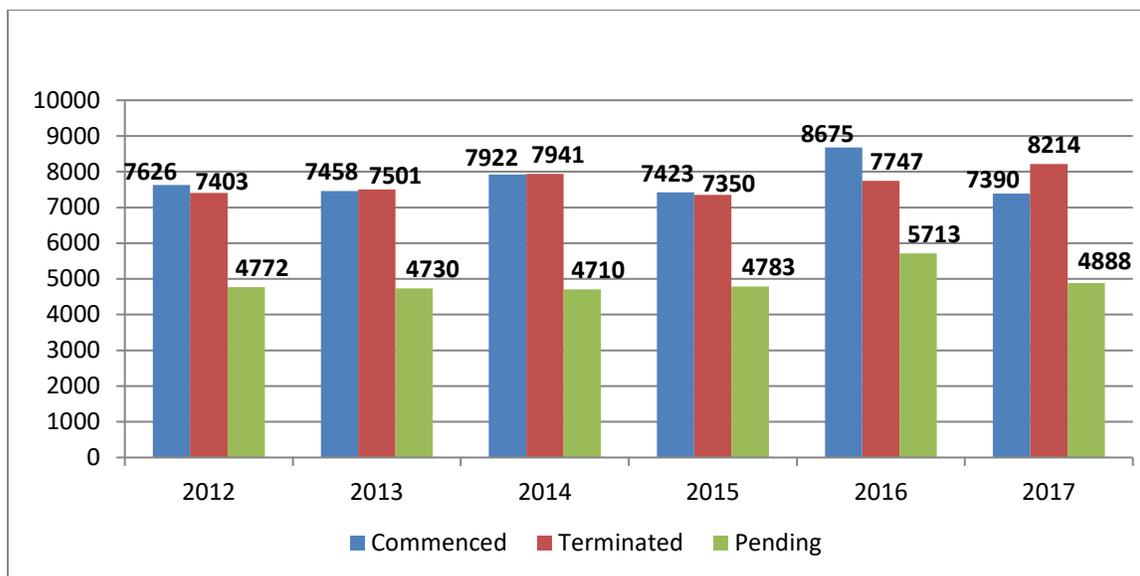
| <b>Category</b>                               | <b>2016</b> | <b>2017</b> |
|-----------------------------------------------|-------------|-------------|
| (a) Already Briefed                           |             |             |
| Calendared for Oral Argument                  | 148         | 85          |
| Briefed but Held in Abeyance                  | 31          | 14          |
| Awaiting Assignment to Oral Argument Calendar | 9           | 148         |
| Being Screened                                | 799         | 811         |
| Assignment to Augean Conference               | 219         | 166         |
| Awaiting Assignment to Conference Calendar    | 49          | 67          |
| <b>Subtotal</b>                               | <b>1255</b> | <b>1291</b> |

| Category                | 2016        | 2017        |
|-------------------------|-------------|-------------|
| (b) Unbriefed Cases     |             |             |
| Pre-Briefing            | 1779        | 1342        |
| Records Due             | 128         | 88          |
| Being Briefed           | 1325        | 1193        |
| Stayed/Held in Abeyance | 112         | 59          |
| Awaiting DC Action*     | 140         | 119         |
| <b>Subtotal</b>         | <b>3484</b> | <b>2801</b> |
| <b>Total</b>            | <b>4739</b> | <b>4092</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**

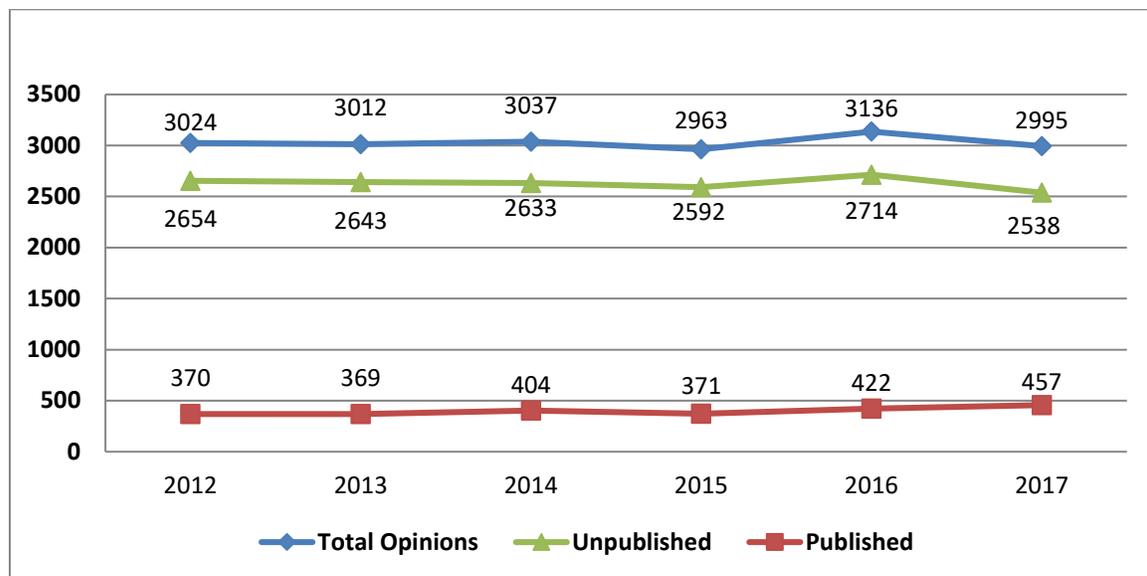
**1. Number of Opinions, Published and Unpublished**

The total number of opinions decreased by 141. 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 |
|------|----------------|-----------|-------------|
| 2012 | 3024           | 370       | 2654        |
| 2013 | 3012           | 369       | 2643        |
| 2014 | 3037           | 404       | 2633        |
| 2015 | 2963           | 371       | 2592        |
| 2016 | 3136           | 422       | 2714        |
| 2017 | 2995           | 457       | 2538        |

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



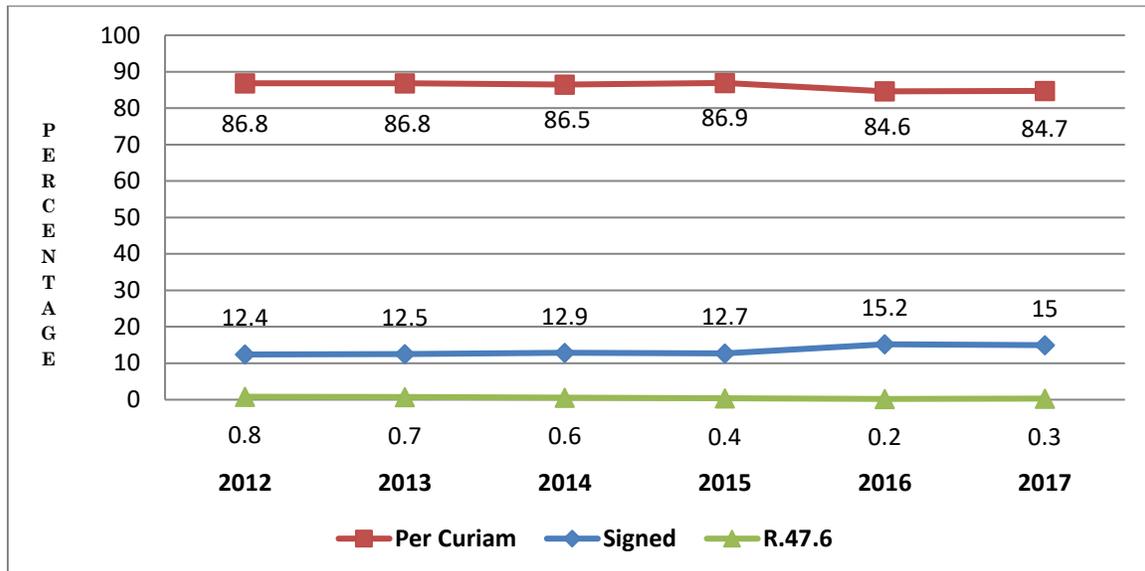
## 2. Types of Opinions

Signed opinions decreased by 0.2% this year and per curiam opinions increased by 0.1%.

**Table 18 - Types of Opinions**

| Year | Signed | Per Curiam | Rule 47.6 | Total  |
|------|--------|------------|-----------|--------|
| 2012 | 12.4%  | 86.8%      | 0.8%      | 100.0% |
| 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% |

**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 increased by 107 from 1553 to 1660. The percentage of signed opinions on the summary calendar decreased by 2.2% while per curiam opinions increased by 2.1%.

**Table 20 - Summary Calendar Opinions**

| <b>Year</b> | <b>Signed</b> | <b>Per Curiam</b> | <b>Rule 47.6</b> | <b>Total</b> |
|-------------|---------------|-------------------|------------------|--------------|
| 2012        | 0.6%          | 99.1%             | 0.3%             | 100.0%       |
| 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%       |

(b) **Oral Argument Calendar**

Signed opinions on the oral argument calendar increased this year by 1.4%. Per curiam opinions decreased by 1.4%.

**Table 21 - Oral Argument Opinions**

| <b>Year</b> | <b>Signed</b> | <b>Per Curiam</b> | <b>Rule 47.6</b> | <b>Total</b> |
|-------------|---------------|-------------------|------------------|--------------|
| 2012        | 38.0%         | 60.1%             | 1.9%             | 100.0%       |
| 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%       |

(c) Conference Calendar

There were 423 conference calendar opinions this year compared to 649 last year.

**4. Published and Unpublished Opinions**

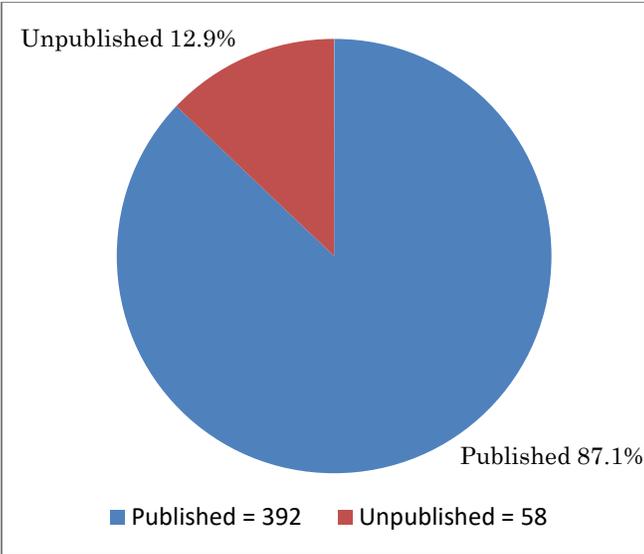
Of the 2995 opinions, 457 (15.3%) were published. The number of published opinions increased by 35 from the preceding year.

(a) Number and Percentage - 2017

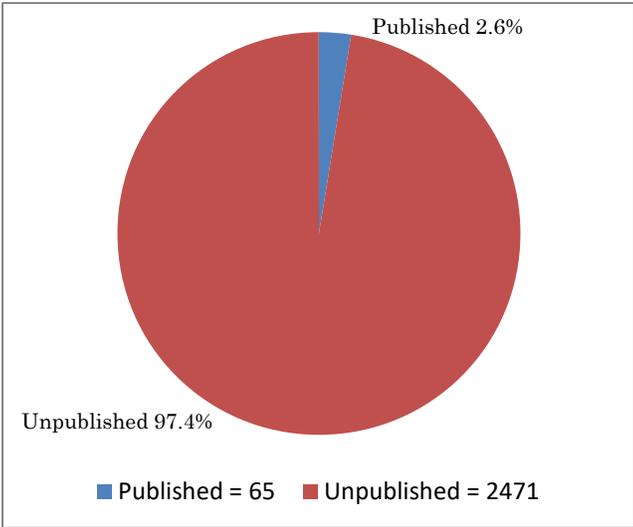
**Table 22 - Opinion Number and Percentage 2017**

|                     | <b>Published</b> |             | <b>Unpublished</b> |             | <b>Total</b> |
|---------------------|------------------|-------------|--------------------|-------------|--------------|
|                     | No.              | %           | No.                | %           |              |
| Signed Opinions     | 392              | 87.1        | 58                 | 12.9        | 450          |
| Per Curiam Opinions | 65               | 2.6         | 2471               | 97.4        | 2536         |
| Rule 47.6 Opinions  | 0                | 0.0         | 9                  | 100.0       | 9            |
| <b>Total</b>        | <b>457</b>       | <b>15.3</b> | <b>2538</b>        | <b>84.7</b> | <b>2995</b>  |

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



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

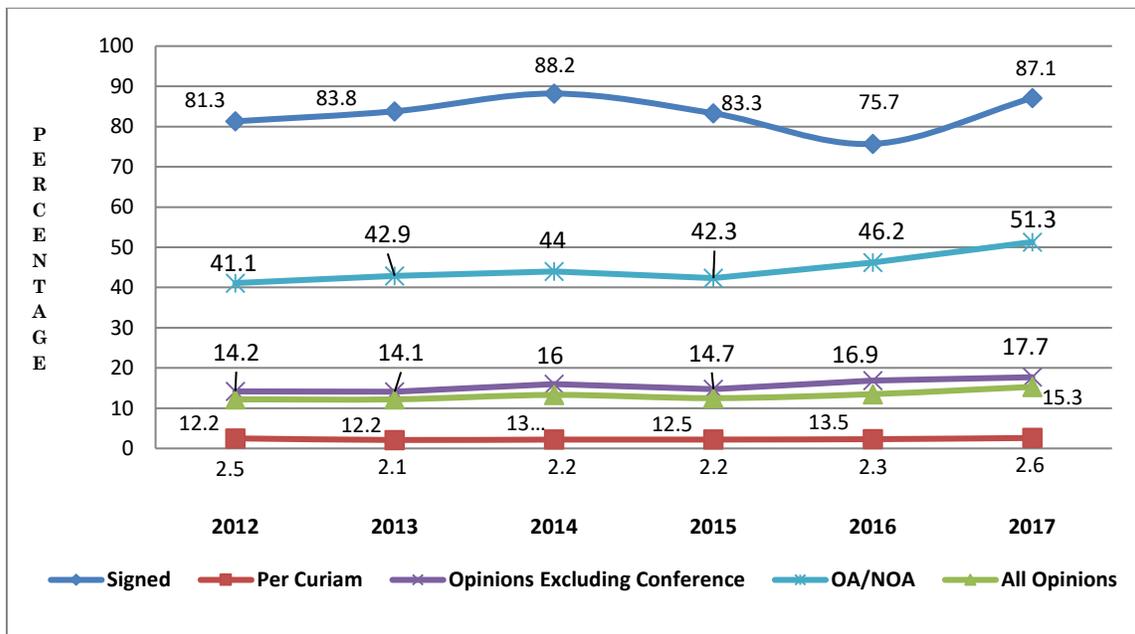


(b) Percentage Comparison (Published) - 2012 - 2017

**Table 25 - Published Opinion Percentage**

|                                        | % Published |      |      |      |      |      |
|----------------------------------------|-------------|------|------|------|------|------|
|                                        | 2012        | 2013 | 2014 | 2015 | 2016 | 2017 |
| Signed Opinions                        | 81.3        | 83.8 | 88.2 | 83.3 | 75.7 | 87.1 |
| Per Curiam Opinions                    | 2.5         | 2.1  | 2.2  | 2.2  | 2.3  | 2.6  |
| Opinions Excluding Conference Calendar | 14.2        | 14.1 | 16.0 | 14.7 | 16.9 | 17.7 |
| Oral Argument/No Oral Argument         | 41.1        | 42.9 | 44.0 | 42.3 | 46.2 | 51.3 |
| All Opinions                           | 12.2        | 12.2 | 13.3 | 12.5 | 13.5 | 15.3 |

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



(c) Length of Published Opinions

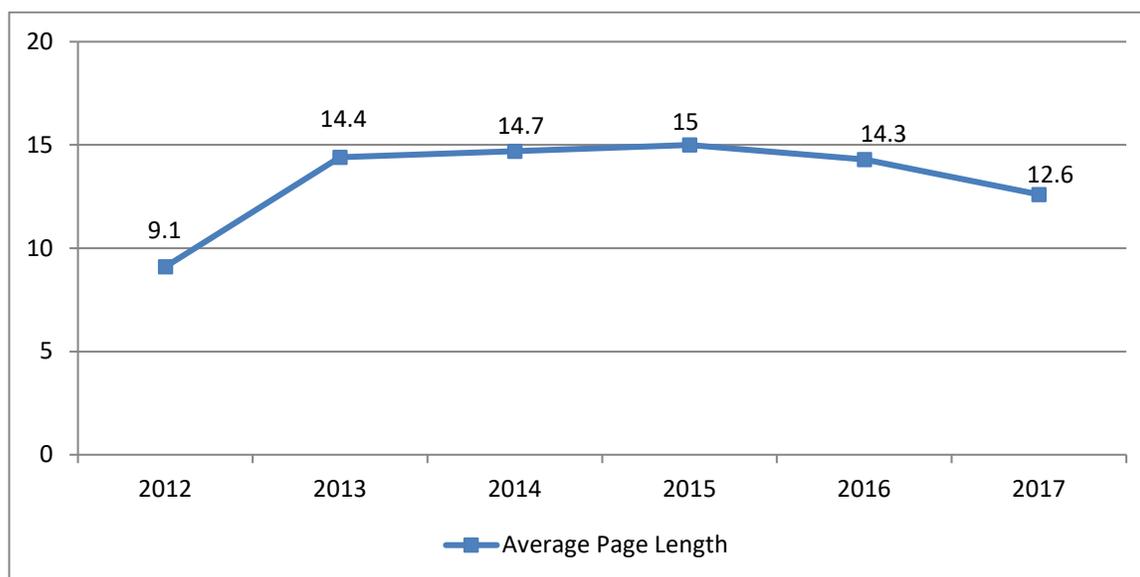
The average page length of opinions is down 11.9% from 2016.

**Table 27 - Average Page Length**

| <b>Year</b> | <b>Page Length</b> |
|-------------|--------------------|
| 2012        | 9.1                |
| 2013*       | 14.4               |
| 2014*       | 14.7               |
| 2015*       | 15.0               |
| 2016*       | 14.3               |
| 2017*       | 12.6               |

\*Prior to 2013, we used West Publishing printed slip opinion page counts for statistical purposes. For 2013 and subsequent years, we count manuscript pages. West typically condensed a 16-page manuscript into a 9-page printed slip. Thus, the increase for years after 2013 in part is due to our changed metric.

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



**5. Reversal Rate**

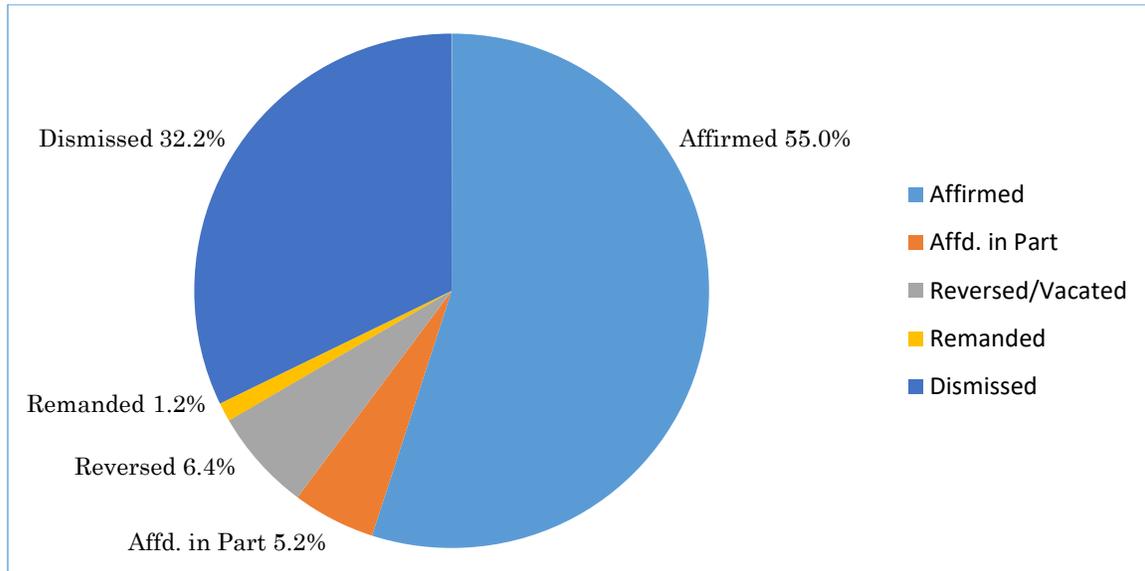
The 2017 reversed/vacated rate of 6.4% is less than the 7.2% reversed/vacated rate in 2016.

**Table 29 - Reversal Rate**

|                   | 2017    |       |         |       |                     |       |         |       | 2016    |
|-------------------|---------|-------|---------|-------|---------------------|-------|---------|-------|---------|
|                   | Summary |       | Hearing |       | Conference Calendar |       | Overall |       | Overall |
|                   | No.     | %     | No.     | %     | No.                 | %     | No.     | %     | %       |
| Affirmed          | 1062    | 64.0  | 531     | 58.2  | 51                  | 12.1  | 1644    | 55.0  | 55.3    |
| Affd. In Part     | 57      | 3.4   | 100     | 11.0  | 0                   | 0.0   | 157     | 5.2   | 5.1     |
| Dismissed         | 500     | 30.1  | 94      | 10.3  | 370                 | 87.5  | 964     | 32.2  | 31.4    |
| Remanded          | 8       | 0.5   | 28      | 3.1   | 1                   | 0.2   | 37      | 1.2   | 1.0     |
| Transferred       | 0       | 0     | 0       | 0     | 0                   | 0     | 0       | 0     | 0       |
| Reversed/Vacated* | 33      | 2.0   | 159     | 17.4  | 1                   | 0.2   | 193     | 6.4   | 7.2     |
| Total             | 1660    | 100.0 | 912     | 100.0 | 423                 | 100.0 | 2995    | 100.0 | 100.0   |

\*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, 2016, through June 30, 2017 decreased by 6 cases over last year.

### **2. Opinion Output - Overall - 2012 - 2017**

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

**Table 31 - Opinion Output**

| <b>Year</b>       | <b>(a)*<br/>Opinions by<br/>Active<br/>Judges</b> | <b>(b)*<br/>Opinions by<br/>Non-Active<br/>Judges</b> | <b>(c)<br/>Total<br/>Opinion<br/>Output</b> | <b>(d)<br/>Opinions per<br/>Active<br/>Judge</b> |
|-------------------|---------------------------------------------------|-------------------------------------------------------|---------------------------------------------|--------------------------------------------------|
| 2012 <sup>1</sup> | 2195                                              | 829                                                   | 3024                                        | 144                                              |
| 2013 <sup>2</sup> | 2308                                              | 704                                                   | 3012                                        | 154                                              |
| 2014 <sup>3</sup> | 2188                                              | 849                                                   | 3037                                        | 156                                              |
| 2015 <sup>4</sup> | 2182                                              | 781                                                   | 2963                                        | 145                                              |
| 2016 <sup>5</sup> | 2436                                              | 700                                                   | 3136                                        | 163                                              |
| 2017 <sup>6</sup> | 2198                                              | 797                                                   | 2995                                        | 157                                              |

\*Includes Augean conference.

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<sup>1</sup> In 2012, there were 16 active judges, 7 non-active judges and 6 visiting judges.

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

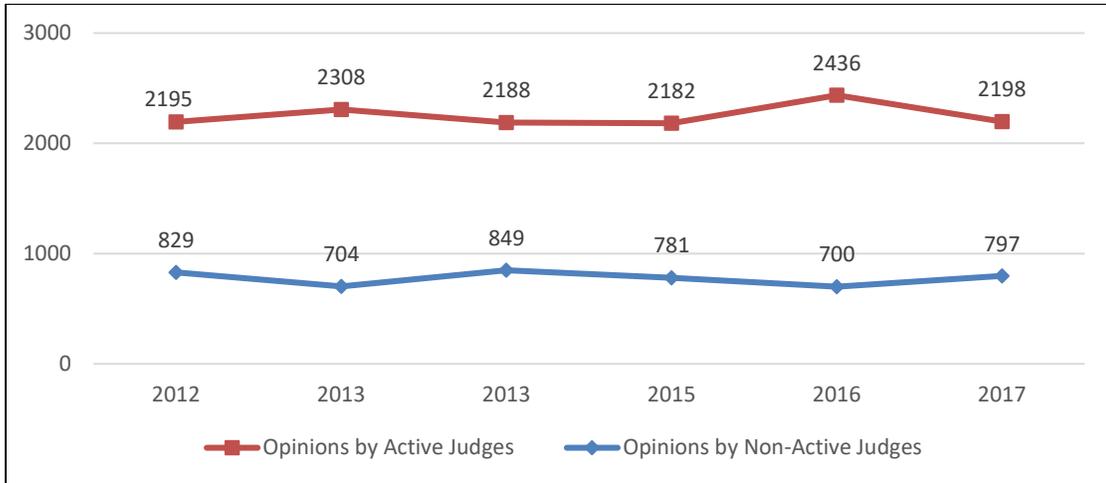
<sup>3</sup> In 2014, there were 15 active judges, 7 non-active judges and 6 visiting judges.

<sup>4</sup> In 2015, there were 15 active judges, 7 non-active judges and 10 visiting judges.

<sup>5</sup> In 2016, there were 15 active judges, 6 non-active judges and 7 visiting judges.

<sup>6</sup> In 2017, there were 14 active judges, 7 non-active judges and 2 visiting judges.

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



\*Includes Augean conference.

### **3. Overall Workload**

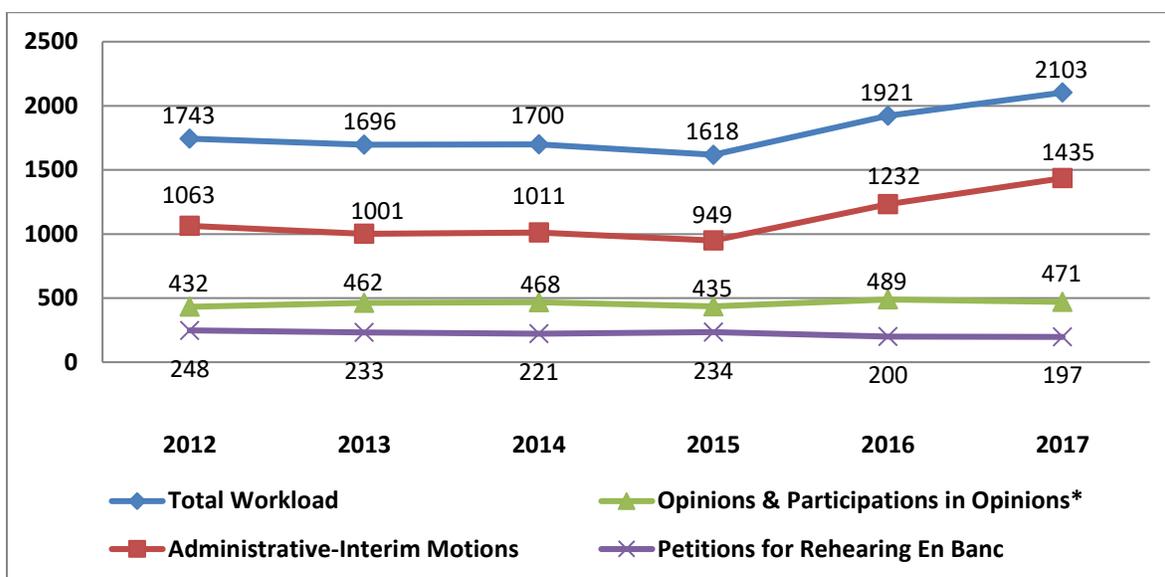
The average opinions per active judge does not give a complete measure of the active judges' overall workload. Participation in other panel members' opinions in fully briefed cases, conference calendar panels, Augean conference panels, as well as consideration of petitions for rehearing en banc and administrative-interim motions are also other important work factors. Overall, judges handled 182 more 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 |             |             |             |             |             |
|------------------------------------------|------------------|-------------|-------------|-------------|-------------|-------------|
|                                          | 2012             | 2013        | 2014        | 2015        | 2016        | 2017        |
| Opinions and Participations in Opinions* | 432              | 462         | 468         | 435         | 489         | 471         |
| Petitions for Rehearing En Banc          | 248              | 233         | 221         | 234         | 200         | 197         |
| Administrative-Interim Motions           | 1063             | 1001        | 1011        | 949         | 1232        | 1435        |
| <b>Total Workload</b>                    | <b>1743</b>      | <b>1696</b> | <b>1700</b> | <b>1618</b> | <b>1921</b> | <b>2103</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**

| Year  | CLASS                     |      |                              |      |                          |     |                     |       |
|-------|---------------------------|------|------------------------------|------|--------------------------|-----|---------------------|-------|
|       | I and II<br>(No Argument) |      | III<br>(Limited<br>Argument) |      | IV<br>(Full<br>Argument) |     | Total               |       |
|       | No.                       | %    | No.                          | %    | No.                      | %   | No.                 | %     |
| 2012  | 2055 <sup>1</sup>         | 71.2 | 823                          | 28.5 | 8                        | 0.3 | 2886 <sup>1</sup>   | 100.0 |
| 2013  | 2057 <sup>2</sup>         | 72.0 | 795                          | 27.8 | 5                        | 0.2 | 2857 <sup>2</sup>   | 100.0 |
| 2014  | 2032 <sup>3</sup>         | 72.9 | 756                          | 27.1 | 0                        | 0.0 | 2788 <sup>3</sup>   | 100.0 |
| 2015  | 2002 <sup>4</sup>         | 72.8 | 745                          | 27.1 | 3                        | 0.1 | 2750 <sup>4</sup>   | 100.0 |
| 2016  | 2183 <sup>5</sup>         | 73.2 | 798                          | 26.8 | 0                        | 0.0 | 2981 <sup>5</sup>   | 100.0 |
| 2017  | 2076 <sup>6</sup>         | 71.9 | 810                          | 28.1 | 1                        | 0.0 | 2887 <sup>6</sup>   | 100.0 |
| Total | 12,405 <sup>7</sup>       | 72.3 | 4727                         | 27.6 | 17                       | 0.1 | 17,149 <sup>7</sup> | 100.0 |

Argument was held in 56.0% of the 811 cases designated as Class III and IV.

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<sup>1</sup> Includes 414 conference calendar opinions.

<sup>2</sup> Includes 394 conference calendar opinions.

<sup>3</sup> Includes 499 conference calendar opinions.

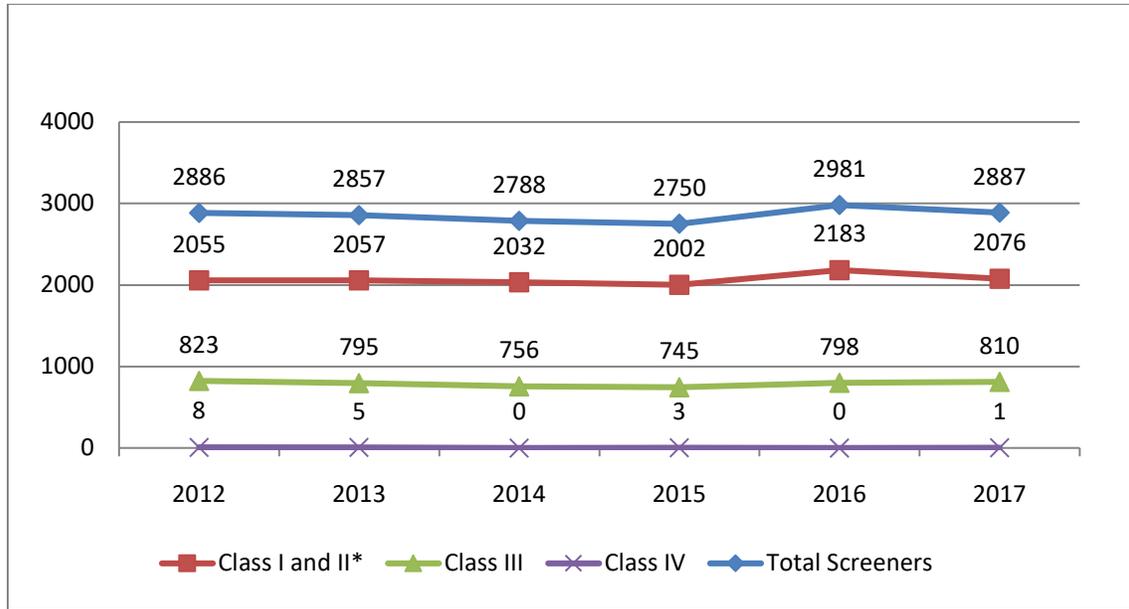
<sup>4</sup> Includes 447 conference calendar opinions.

<sup>5</sup> Includes 647 conference calendar opinions.

<sup>6</sup> Includes 421 conference calendar opinions.

<sup>7</sup> Includes 2,822 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 (%) |      |      |      |      |      |
|---------------------|---------------------------------|------|------|------|------|------|
|                     | 2012                            | 2013 | 2014 | 2015 | 2016 | 2017 |
| CRIMINAL DIRECT     | 84.9                            | 83.3 | 86.1 | 86.5 | 88.0 | 84.3 |
| CRIMINAL NON-DIRECT | 80.0                            | 94.8 | 83.5 | 85.2 | 91.7 | 91.6 |
| PRISONER CASES      |                                 |      |      |      |      |      |
| W/cnsl              | 50.0                            | 24.0 | 40.0 | 18.7 | 35.0 | 25.0 |
| W/O cnsl            | 80.4                            | 84.6 | 86.4 | 86.5 | 86.3 | 89.5 |

|                  | <b>Summary Calendar Percentage (%)</b> |             |             |             |             |             |
|------------------|----------------------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>Case Type</b> | <b>2012</b>                            | <b>2013</b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> |
| 2255             |                                        |             |             |             |             |             |
| W/cnsl           | 25.0                                   | 53.8        | 0.0         | 0.0         | 0.0         | 25.0        |
| W/O cnsl         | 69.2                                   | 47.6        | 61.5        | 40.0        | 36.4        | 61.5        |
| CIVIL            |                                        |             |             |             |             |             |
| Diversity        | 33.9                                   | 32.7        | 43.1        | 39.8        | 39.8        | 41.0        |
| Federal Question | 38.8                                   | 33.5        | 27.6        | 30.2        | 28.5        | 27.7        |
| U.S. Civil       | 38.8                                   | 43.1        | 48.9        | 40.3        | 42.1        | 29.5        |
| Tax              | 47.4                                   | 20.0        | 11.1        | 50.0        | 0.0         | 50.0        |
| Bankruptcy       | 26.9                                   | 18.8        | 26.4        | 28.9        | 24.4        | 37.1        |
| Civil Rights     | 50.5                                   | 56.5        | 56.6        | 50.6        | 46.0        | 37.6        |
| BIA              | 81.3                                   | 87.3        | 82.0        | 86.6        | 84.6        | 81.9        |
| Tax Court        | 63.6                                   | 40.0        | 41.7        | 33.3        | 33.3        | 33.3        |
| Other Agency     | 45.0                                   | 39.1        | 53.8        | 31.2        | 15.2        | 30.8        |
| Social Security  | 70.0                                   | 83.3        | 66.7        | 66.7        | 81.0        | 81.8        |
| Mandamus         | 0                                      | 0           | 0           | 0           | 0           | 0           |
| <b>TOTAL</b>     | <b>71.2</b>                            | <b>72.0</b> | <b>72.9</b> | <b>72.8</b> | <b>73.2</b> | <b>72.0</b> |

## H. EN BANC PETITIONS AND REHEARINGS

The court received 198 petitions for en banc rehearing, an increase of 4 from the prior year (194). Parties requested en banc rehearing in 6.6% of the cases with opinions. The court acted upon 197 petitions for en banc rehearing and 19 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 190 cases, 9 of which were after a poll. The court granted two petitions for rehearing en banc by the parties. See **Enclosure D**, page 31.

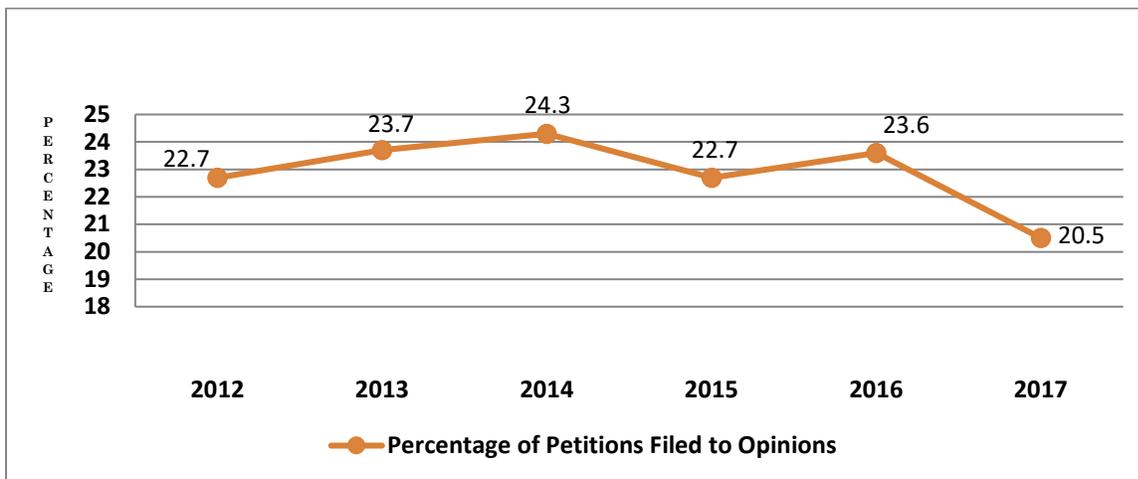
**I. PETITIONS FOR CERTIORARI**

The number of petitions filed is as follows:

**Table 38 - Petitions for Certiorari**

| <b>Petitions Filed</b>                  | <b>2012</b> | <b>2013</b> | <b>2014</b> | <b>2015</b> | <b>2016</b> | <b>2017</b> |
|-----------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Criminal                                | 299         | 332         | 365         | 327         | 440         | 349         |
| U.S. Civil                              | 7           | 105         | 90          | 70          | 56          | 59          |
| Private Civil                           | 295         | 268         | 277         | 269         | 238         | 194         |
| Administrative Appeals                  | 16          | 8           | 7           | 8           | 5           | 12          |
| <b>TOTAL</b>                            | <b>687</b>  | <b>713</b>  | <b>739</b>  | <b>674</b>  | <b>739</b>  | <b>614</b>  |
| <b>Opinions Rendered</b>                | <b>3024</b> | <b>3012</b> | <b>3037</b> | <b>2963</b> | <b>3136</b> | <b>2995</b> |
| <b>% of Petitions filed to Opinions</b> | <b>22.7</b> | <b>23.7</b> | <b>24.3</b> | <b>22.7</b> | <b>23.6</b> | <b>20.5</b> |

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



The Supreme Court took action on 584 cases from our Court compared with 746 last year. The Court granted 22 petitions, 3 more than last year, or 3.8% of the total. (For additional information, see **Enclosure E**, page 32.)

**J. ADMINISTRATIVE-INTERIM MOTIONS**

The administrative-interim motions increased to 4099 from 3816 last year, to an average of 293 initiating actions per active judge. When panel matters are considered, each judge acted on 1435 such motions, up from 1232 last year. See **Enclosure F**, page 33, for other details.

**TABLE OF NEW APPEALS DOCKETED BY CASE TYPE AS OF 6/2017**

| Case Type                   | (a)              | (b)                   |                       | (c)          | (d)          |            |            |            |            |            |            |            |            |            |            |            |            |
|-----------------------------|------------------|-----------------------|-----------------------|--------------|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
|                             | Mo. %<br>2016-17 | Cumulative %<br>15-16 | Cumulative %<br>16-17 | 2015<br>2016 | 2016<br>2017 | Jul        | Aug        | Sep        | Oct        | Nov        | Dec        | Jan        | Feb        | Mar        | Apr        | May        | Jun        |
| CRIMINAL CASES              | 31.28%           | 34.62%                | 31.26%                | 3003         | 2310         | 192        | 215        | 213        | 171        | 216        | 200        | 186        | 148        | 196        | 187        | 193        | 193        |
| PRISONER CASES<br>w/counsel | 2.11%            | 1.49%                 | 2.19%                 | 129          | 162          | 13         | 12         | 11         | 9          | 12         | 10         | 10         | 11         | 17         | 23         | 21         | 13         |
| w/o counsel                 | 25.93%           | 21.72%                | 25.87%                | 1884         | 1912         | 163        | 189        | 151        | 164        | 133        | 150        | 156        | 118        | 192        | 165        | 171        | 160        |
| Succ Habeas                 | 11.02%           | 15.03%                | 9.85%                 | 1304         | 728          | 130        | 84         | 47         | 56         | 49         | 49         | 42         | 36         | 57         | 55         | 55         | 68         |
| Non-Pd Mandamus             | 2.27%            | 1.67%                 | 2.31%                 | 145          | 171          | 16         | 12         | 13         | 7          | 13         | 15         | 11         | 15         | 23         | 17         | 15         | 14         |
| SUB-TOTAL                   | 72.61%           | 74.52%                | 71.49%                | 6465         | 5283         | 514        | 512        | 435        | 407        | 423        | 424        | 405        | 328        | 485        | 447        | 455        | 448        |
| CIVIL<br>Private Civil      | 9.89%            | 10.2%                 | 11.77%                | 885          | 870          | 93         | 77         | 78         | 70         | 56         | 59         | 72         | 81         | 71         | 90         | 62         | 61         |
| Diversity                   | 5.02%            | 4.37%                 | 5.94%                 | 379          | 439          | 37         | 41         | 44         | 34         | 23         | 30         | 35         | 38         | 40         | 47         | 39         | 31         |
| Fed. Quest.                 | 4.86%            | 5.83%                 | 5.83%                 | 506          | 431          | 56         | 36         | 34         | 36         | 33         | 29         | 37         | 43         | 31         | 43         | 23         | 30         |
| U.S. Civil                  | 1.94%            | 0.92%                 | 1.69%                 | 80           | 125          | 6          | 22         | 8          | 10         | 6          | 7          | 7          | 11         | 16         | 6          | 14         | 12         |
| Tax                         | 0.16%            | 0.10%                 | 0.09%                 | 9            | 7            | 0          | 0          | 1          | 0          | 0          | 1          | 1          | 0          | 1          | 0          | 2          | 1          |
| Tax Court                   | 0.00%            | 0.10%                 | 0.22%                 | 9            | 16           | 0          | 0          | 4          | 0          | 0          | 2          | 1          | 1          | 2          | 6          | 0          | 0          |
| Bankruptcy                  | 0.32%            | 0.67%                 | 0.85%                 | 58           | 63           | 3          | 3          | 7          | 7          | 7          | 6          | 2          | 7          | 7          | 11         | 1          | 2          |
| BIA                         | 4.70%            | 3.80%                 | 4.74%                 | 330          | 350          | 23         | 20         | 26         | 34         | 24         | 20         | 25         | 36         | 51         | 28         | 34         | 29         |
| Other Agency                | 0.81%            | 1.43%                 | 0.62%                 | 124          | 46           | 8          | 4          | 2          | 5          | 5          | 5          | 2          | 2          | 2          | 3          | 3          | 5          |
| Civil Rights                | 8.43%            | 6.19%                 | 7.21%                 | 537          | 533          | 37         | 48         | 45         | 45         | 40         | 44         | 35         | 26         | 60         | 54         | 47         | 52         |
| Soc. Security               | 0.16%            | 0.27%                 | 0.24%                 | 23           | 18           | 2          | 1          | 0          | 3          | 0          | 1          | 2          | 4          | 2          | 2          | 0          | 1          |
| Mandamus                    | 0.16%            | 0.38%                 | 0.51%                 | 33           | 38           | 0          | 4          | 13         | 3          | 3          | 3          | 1          | 2          | 0          | 5          | 3          | 1          |
| Miscellaneous               | 0.81%            | 1.41%                 | 0.55%                 | 122          | 41           | 2          | 1          | 5          | 5          | 2          | 2          | 4          | 2          | 3          | 6          | 4          | 5          |
| SUB-TOTAL                   | 27.39%           | 25.48%                | 28.51%                | 2210         | 2107         | 174        | 180        | 189        | 182        | 143        | 150        | 152        | 172        | 215        | 211        | 170        | 169        |
| <b>TOTAL APPEALS</b>        | <b>100.00%</b>   | <b>100.0%</b>         | <b>100.00%</b>        | <b>8675</b>  | <b>7390</b>  | <b>688</b> | <b>692</b> | <b>624</b> | <b>589</b> | <b>566</b> | <b>574</b> | <b>557</b> | <b>500</b> | <b>700</b> | <b>658</b> | <b>625</b> | <b>617</b> |

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

(b): The Cumulative Percentage for the corresponding months in 15-16 compared with 16-17

(c): The Cumulative Total Filings for the corresponding number of months in 15-16.

(d): The Cumulative Total for 16-17

**WORKLOAD PER ACTIVE JUDGE**

|       |                                                                       |     |     |      |
|-------|-----------------------------------------------------------------------|-----|-----|------|
| I.    | SUMMARY CALENDAR CASES*                                               |     |     |      |
|       | (a) Opinions or dispositions as initiating judge                      | 80  |     |      |
|       | (b) Participations in opinions or dispositions of other panel members |     | 160 |      |
|       | (c) Sub-total summary calendar cases                                  |     |     | 240  |
| II.   | CONFERENCE CALENDAR CASES*                                            |     |     |      |
|       | (a) Opinions or dispositions as initiating judge                      | 26  |     |      |
|       | (b) Participations in opinions or dispositions of other panel members |     | 52  |      |
|       | (c) Sub-total conference calendar cases                               |     |     | 78   |
| III.  | HEARING CALENDAR AND OTHER CASES*                                     |     |     |      |
|       | (a) Opinions or dispositions as writing judge                         | 51  |     |      |
|       | (b) Participations in opinions or dispositions of other panel members |     | 102 |      |
|       | (c) Sub-total oral argument cases                                     |     |     | 153  |
| IV.   | TOTAL OPINIONS (I(a), II(a), III (a))*                                | 157 |     |      |
| V.    | TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b), III (b))*      |     | 314 |      |
| VI.   | TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c), III (c))*             |     |     | 471  |
| VII.  | PETITIONS FOR REHEARING EN BANC                                       |     |     | 197  |
| VIII. | ADMINISTRATIVE-INTERIM MATTERS                                        |     |     |      |
|       | (a) Single Judge Matters                                              | 148 |     |      |
|       | (b) Participation in panel matters as initiating judge                | 429 |     |      |
|       | (c) Participation in panel matters of other panel members             |     | 858 |      |
|       | (d) Sub-total administrative - interim matters                        |     |     | 1435 |
| IX.   | TOTAL MATTERS PARTICIPATED IN PER JUDGE                               |     |     | 2103 |

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

**SUMMARY OF SCREENING CLASSIFICATION**  
**BY CASE TYPE**

PERIOD: JULY 1, 2016 - JUNE 30, 2017

| <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     | 625        | 626         | 233        | 0         | 1484         | 84.3                                  |
| CRIMINAL NON-DIRECT | 141        | 132         | 25         | 0         | 298          | 91.6                                  |
| PRISONER CASES      |            |             |            |           |              |                                       |
| HC-W                | 0          | 3           | 10         | 0         | 13           | 23.1                                  |
| HC-W/O              | 8          | 37          | 8          | 0         | 53           | 84.9                                  |
| 1983-W              | 0          | 2           | 4          | 0         | 6            | 33.3                                  |
| 1983-W/O            | 11         | 80          | 6          | 0         | 97           | 93.8                                  |
| O. Pris.-W          | 0          | 0           | 1          | 0         | 1            | 0.0                                   |
| O. Pris. W/O        | 4          | 13          | 4          | 0         | 21           | 80.9                                  |
| 2255-W              | 0          | 1           | 3          | 0         | 4            | 25.0                                  |
| 2255-W/O            | 2          | 6           | 5          | 0         | 13           | 61.5                                  |
| CIVIL               |            |             |            |           |              |                                       |
| Diversity           | 2          | 71          | 105        | 0         | 178          | 41.0                                  |
| Fed. Question       | 3          | 50          | 138        | 0         | 191          | 27.7                                  |
| U.S. Civil          | 0          | 13          | 31         | 0         | 44           | 29.5                                  |
| Tax                 | 0          | 1           | 1          | 0         | 2            | 50.0                                  |
| Bankruptcy          | 0          | 13          | 22         | 0         | 35           | 37.1                                  |
| Civ. Rights         | 8          | 91          | 164        | 0         | 263          | 37.6                                  |
| BIA                 | 0          | 113         | 24         | 1         | 138          | 81.9                                  |
| Tax Court           | 0          | 3           | 6          | 0         | 9            | 33.3                                  |
| Other Agency        | 0          | 8           | 18         | 0         | 26           | 30.8                                  |
| Social Security     | 0          | 9           | 2          | 0         | 11           | 81.8                                  |
| Mandamus            | 0          | 0           | 0          | 0         | 0            | 0.0                                   |
| <b>TOTAL*</b>       | <b>804</b> | <b>1272</b> | <b>810</b> | <b>1</b>  | <b>2887</b>  | <b>72.0</b>                           |

\*Includes 421 Conference Calendar Cases.

**PETITIONS FOR REHEARING EN BANC AND EN BANC GRANTS**

| <u>07/01/16 - 06/03/17</u>                             |     |
|--------------------------------------------------------|-----|
| <b>TOTAL</b>                                           |     |
| <b>TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR</b>  | 18  |
| <b>Petitions for Rehearing En Banc FILED this Year</b> | 198 |
| <b>Petitions for Rehearing En Banc DENIED</b>          | 190 |
| w/poll vote                                            | 9   |
| w/o poll vote                                          | 181 |
| <b>En Banc GRANTED</b>                                 | 2   |
| On Petition With Oral Argument                         | 2   |
| On Petition Without Oral Argument                      | 0   |
| Sua Sponte En Banc With Oral Argument                  | 0   |
| Sua Sponte En Banc Without Oral Argument               | 0   |
| <b>Disposed of by Other Means</b>                      | 5   |
| <b>TOTAL PENDING AS OF 6/30/17</b>                     | 19  |

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

**SUMMARY**

**PERIOD: JULY 1, 2016 TO JUNE, 30, 2017**

| TYPE       | TYPE OF DISPOSITION |                 |         |        |           | PENDING<br>06/30/17 |
|------------|---------------------|-----------------|---------|--------|-----------|---------------------|
|            | PENDING<br>07/01/16 | NUMBER<br>FILED | GRANTED | DENIED | DISMISSED |                     |
| TOTAL      | 112                 | 614             | 22      | 558    | 4         | 142                 |
| CRIM       | 48                  | 349             | 14      | 301    | 0         | 82                  |
| USC        | 12                  | 59              | 1       | 58     | 1         | 11                  |
| PRIV. CIV. | 51                  | 194             | 6       | 190    | 3         | 46                  |
| ADM.*      | 1                   | 12              | 1       | 9      | 0         | 3                   |

\*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 2017)**

| Motions to or for:                                       | Jul.       | Aug.       | Sept.      | Oct.       | Nov.       | Dec.       | Jan.       | Feb.       | Mar.       | Apr.       | May        | June       | TOTALS      |
|----------------------------------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| Dismiss                                                  | 27         | 25         | 26         | 31         | 21         | 20         | 35         | 22         | 21         | 19         | 28         | 20         | 295         |
| Reinstate Appeal                                         | 4          | 4          | 2          | 0          | 4          | 2          | 3          | 3          | 1          | 1          | 0          | 3          | 27          |
| Appointment of Counsel                                   | 6          | 4          | 5          | 6          | 5          | 4          | 3          | 10         | 5          | 13         | 7          | 7          | 75          |
| Expedite Hearing, for Continuance, or Special Assignment | 3          | 6          | 0          | 5          | 3          | 5          | 1          | 2          | 3          | 3          | 1          | 4          | 36          |
| Stay or for Injunction and/or Supersedeas Pending Appeal | 6          | 8          | 14         | 14         | 12         | 10         | 7          | 13         | 24         | 6          | 15         | 17         | 146         |
| Supplement the Record                                    | 10         | 14         | 4          | 5          | 4          | 9          | 5          | 3          | 13         | 4          | 7          | 11         | 89          |
| Strike Briefs, Designations for Printing, etc            | 5          | 3          | 2          | 3          | 7          | 3          | 7          | 4          | 5          | 3          | 1          | 6          | 49          |
| Excess Pages in Brief                                    | 1          | 0          | 2          | 1          | 4          | 0          | 2          | 2          | 1          | 1          | 3          | 1          | 18          |
| Bail Pending Appeal                                      | 0          | 1          | 1          | 3          | 1          | 2          | 0          | 0          | 5          | 5          | 2          | 1          | 21          |
| Interlocutory Appeal (Sec. 1292(b))                      | 1          | 1          | 0          | 3          | 2          | 1          | 2          | 1          | 1          | 3          | 0          | 0          | 15          |
| Jurisdiction                                             | 57         | 56         | 50         | 55         | 48         | 34         | 36         | 48         | 45         | 38         | 58         | 44         | 569         |
| Withdraw as Counsel                                      | 3          | 10         | 13         | 11         | 14         | 11         | 10         | 7          | 12         | 13         | 13         | 8          | 125         |
| Extensions of Time                                       | 17         | 16         | 12         | 12         | 12         | 14         | 8          | 15         | 12         | 11         | 10         | 10         | 149         |
| Certificate of Appealability                             | 17         | 17         | 17         | 31         | 31         | 13         | 40         | 51         | 59         | 50         | 64         | 69         | 459         |
| Leave to Appeal In Forma Pauperis                        | 12         | 6          | 23         | 19         | 16         | 17         | 21         | 24         | 26         | 29         | 19         | 26         | 238         |
| Issuance of COA and Leave to Appeal In Forma Pauperis    | 6          | 8          | 4          | 9          | 9          | 11         | 7          | 15         | 23         | 23         | 31         | 22         | 168         |
| Mandamus or Prohibition                                  | 2          | 10         | 16         | 9          | 8          | 9          | 8          | 7          | 9          | 9          | 10         | 7          | 104         |
| Successive Petitions                                     | 108        | 173        | 130        | 117        | 90         | 43         | 46         | 35         | 35         | 38         | 40         | 38         | 893         |
| Miscellaneous Motions                                    | 68         | 60         | 64         | 54         | 52         | 46         | 35         | 40         | 53         | 42         | 53         | 56         | 623         |
| <b>TOTALS</b>                                            | <b>353</b> | <b>422</b> | <b>385</b> | <b>388</b> | <b>343</b> | <b>254</b> | <b>276</b> | <b>302</b> | <b>353</b> | <b>311</b> | <b>362</b> | <b>350</b> | <b>4099</b> |