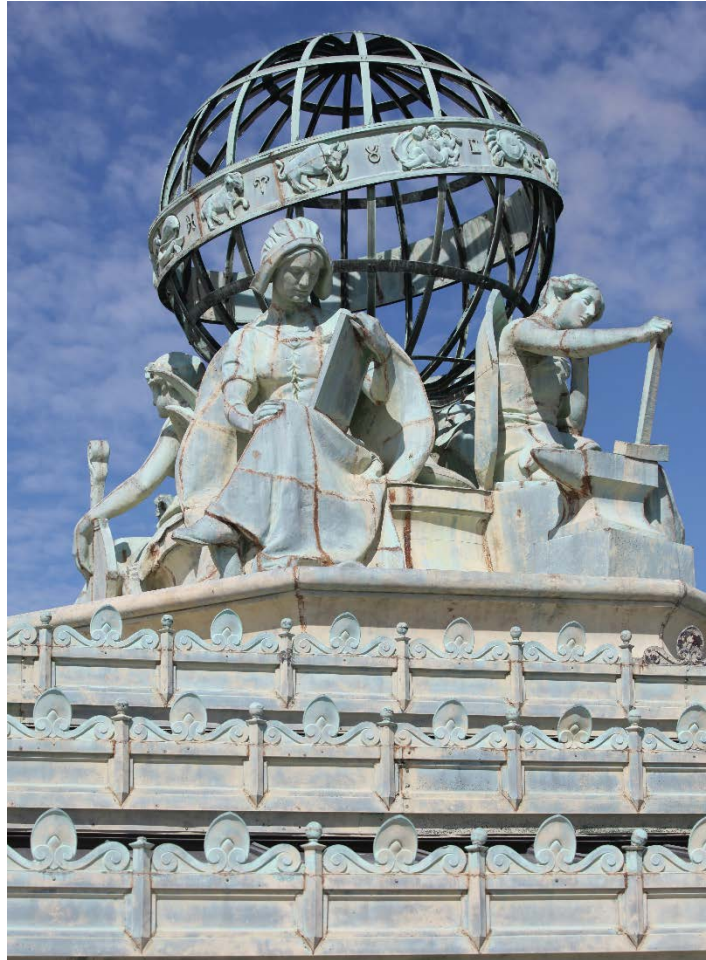


JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2018 - JUNE 2019

## 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, 2018, through June 30, 2019.

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>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>New Appeals</b>	7922	7423	8675	7390	7347	7164
<b>Terminations</b>	7941	7350	7747	8214	7387	7377
By Judges	4971	4692	5007	5335	4692	4635
By Clerk	1689	1738	1827	1858	1857	1867
By Consolidation	1281	920	913	1021	838	875
<b>Pending Appeals</b>	4710	4783	5713	4888	4848	4633
<b>Total Cases Screened for Decision as to Oral Argument</b>	2788	2750	2981	2887	2729	2721
<b>Cases Sent to:</b>						
Summary Calendar	1533	1555	1536	1655	1594	1221
Conference Calendar	499	447	647	421	360	606
Oral Argument Calendar	756	748	798	811	775	893
Summary Calendar Rate	67.0%	67.6%	65.8%	67.1%	67.3%	57.8%
Conference & Summary Calendar Rate	72.9%	72.8%	73.2%	72.0%	71.6%	67.2%
<b>Cases Ready for Argument</b>	47	57	9	148	158	153
<b>Cases Pending Under Submission</b>	135	141	158	133	199	187
Cases Pending 90 or More Days	55	41	55	47	59	70
<b>Total Opinions</b>	3037	2963	3136	2995	2836	2870
Published Opinions	404	371	422	457	372	473
Unpublished Opinions	2633	2592	2714	2538	2464	2397
Opinions per Active Judge	156	145	163	157	139	130
Publication Rate	13.3%	12.5%	13.5%	15.3%	13.1%	16.5%
Page Length of Published Opinions	14.7	15.0	14.3	12.6	14.0	13.5
<b>Participations per Active Judge in Opinions</b>	468	435	489	471	417	390
<b>En Banc Cases</b>	3	4	6	2	8	6
<b>Motions per Active Judge</b>	1011	949	1232	1435	1204	1035

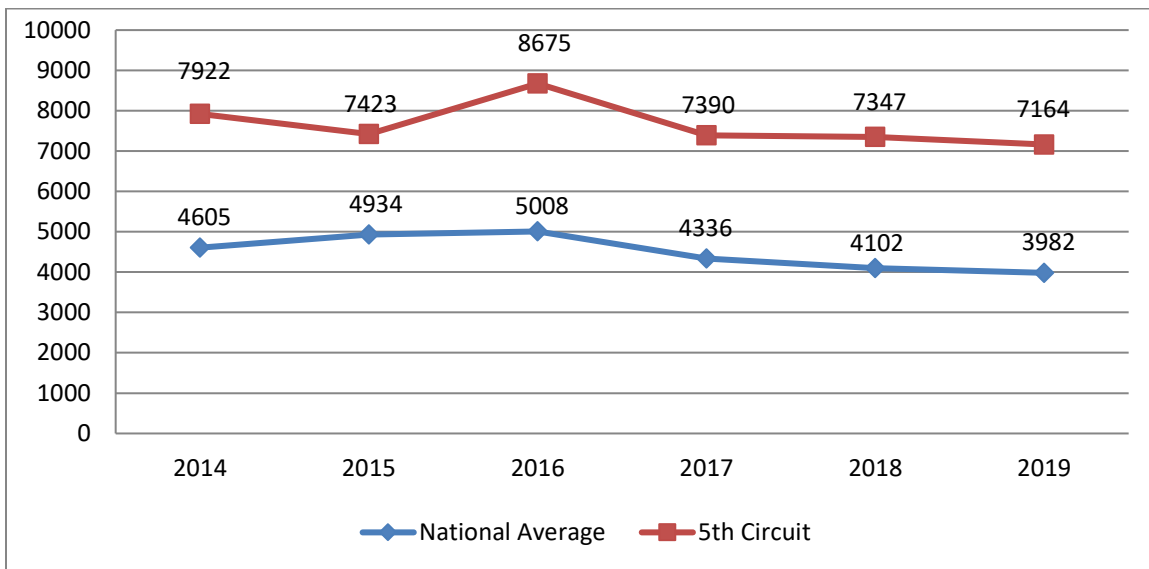


**A. NEW FILINGS**

**1. New Appeals Filed**

The chart below compares the “new appeals” to the national average. We experienced a 183 appeal decrease (2.5%), from 7347 to 7164 appeals. Successive habeas petitions increased by 6 (1.2%). Criminal appeals increased by 39 (1.8%). Federal question appeals decreased by 124 (17.0%); prisoner appeals decreased by 165 (7.7%).

**Table 1 - New Appeals Filed**



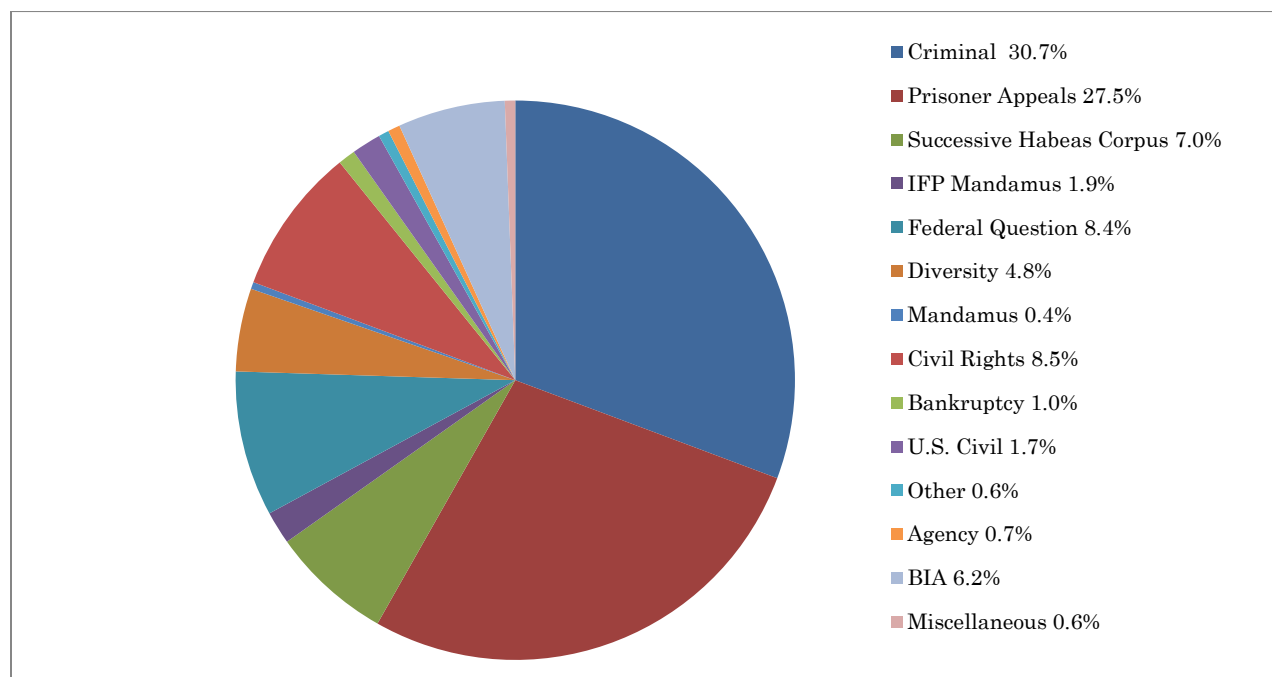
**2. Source of New Appeals by Type**

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2019 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 '18	
	2014	2015	2016	2017	2018	2019	No.	%
Criminal	2463	2523	3004	2310	2158	2197	+39	+1.8
Prisoner Appeals	2215	2124	2011	2074	2136	1971	-165	-7.7
Successive Habeas Corpus	670	484	1304	728	497	503	+6	+1.2
IFP Mandamus	120	141	145	171	147	138	-9	-6.1
Federal Question	541	409	506	431	728	604	-124	-17.0
Diversity	430	392	379	439	371	345	-26	-7.0
U.S. Civil	101	111	80	125	98	119	+21	+21.4
Tax	20	12	9	7	8	13	+5	+62.5
Tax Court	10	12	9	16	15	16	+1	+6.7
Civil Rights	552	561	538	533	587	610	+23	+3.9
Bankruptcy	82	77	58	63	86	74	-12	-14.0
Social Security	27	37	23	18	7	16	+9	+128.6
BIA	407	399	330	350	393	442	+49	+12.5
Mandamus	36	29	33	38	27	29	+2	+7.4
Agency	35	69	124	46	44	47	+3	+6.8
Miscellaneous	213	43	122	41	45	40	-5	-11.1
	7922	7423	8675	7390	7347	7164	-183	-2.5

**Table 3 - 2019 New Appeals by Case Type**



Our biggest increase in filings was in Criminal and BIA appeals. Prisoner and Federal Question appeals dropped significantly.

### **3. New Appeals**

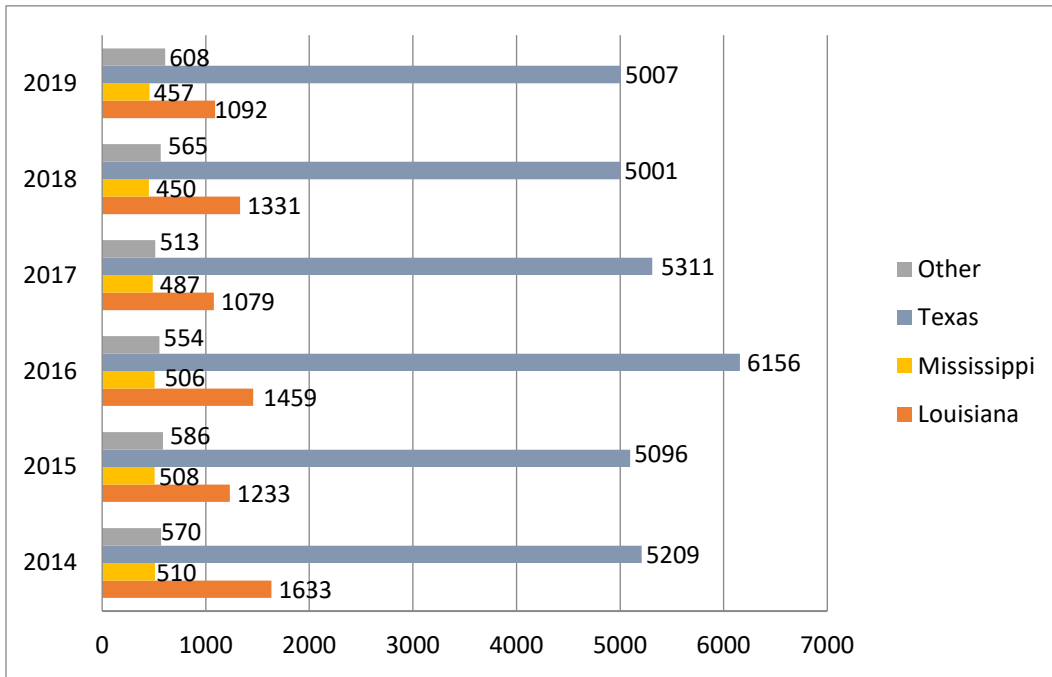
Four of the nine districts showed an increase in appeals filed. Eastern Texas increased the most and Eastern Louisiana decreased the most. Other appeals (Agency, Bankruptcy, U.S. Tax Court, BIA, and Mandamus) increased by 43 cases.

Table 4 - New Appeals by Source

	2014	2015	2016	2017	2018	2019	Change from '18
Louisiana Eastern	930	552	623	575	807	537	-270
Louisiana Middle	240	203	173	148	164	153	-11
Louisiana Western	463	478	663	356	360	402	+42
<b>Subtotal</b>	<b>1633</b>	<b>1233</b>	<b>1459</b>	<b>1079</b>	<b>1331</b>	<b>1092</b>	<b>-239</b>
Mississippi Northern	175	163	155	132	136	129	-7
Mississippi Southern	335	345	351	355	314	328	+14
<b>Subtotal</b>	<b>510</b>	<b>508</b>	<b>506</b>	<b>487</b>	<b>450</b>	<b>457</b>	<b>+7</b>
Texas Northern	1525	1309	1757	1634	1659	1654	-5
Texas Southern	1885	1891	2197	1797	1653	1532	-121
Texas Eastern	413	590	623	600	534	605	+71
Texas Western	1386	1306	1579	1280	1155	1216	+61
<b>Subtotal</b>	<b>5209</b>	<b>5096</b>	<b>6156</b>	<b>5311</b>	<b>5001</b>	<b>5007</b>	<b>+6</b>
Agency	35	69	124	46	44	47	+3
Bankruptcy	82	77	58	63	86	74	-12
U.S. Tax Court	10	12	9	16	15	16	+1
BIA	407	399	330	350	393	442	+49
Mandamus	36	29	33	38	27	29	+2
<b>Subtotal</b>	<b>570</b>	<b>586</b>	<b>554</b>	<b>513</b>	<b>565</b>	<b>608</b>	<b>+43</b>
<b>Total</b>	<b>7922</b>	<b>7423</b>	<b>8675</b>	<b>7390</b>	<b>7347</b>	<b>7164</b>	<b>-183</b>

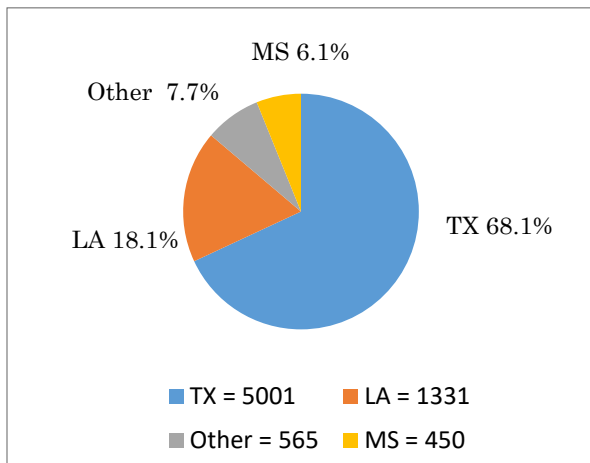
The graph below shows the six year trend of the appeals.

**Table 5 - New Appeals Trends**

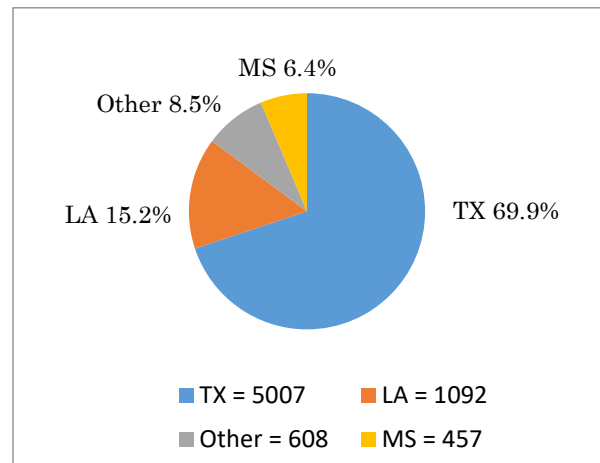


A comparison of the percentage of appeals for 2018 and 2019 is shown on the following charts:

**Table 6 – 2018 New Appeals**



**Table 7 – 2019 New Appeals**



## B. CLOSED APPEALS

### 1. Yearly Comparison

The court disposed of 10 less **appeals** this year, a decrease of 0.1%.

**Table 8 - Appeals and Cases Closed**

	2014	2015	2016	2017	2018	2019	Change from '18	
All Appeals	7941	7350	7747	8214	7387	7377	-10	-0.1%
Cases	6600	6430	6834	7193	6549	6502	-47	-0.7%

### 2. Method of Disposition

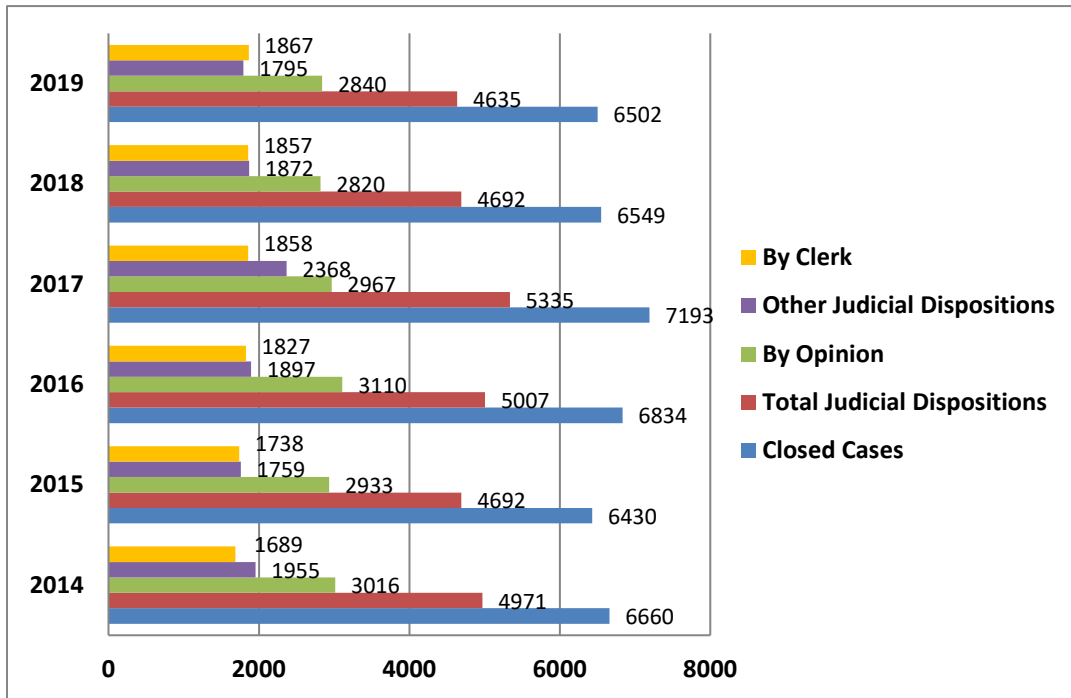
Overall, the court disposed of 47 fewer cases than last year. There were 20 more opinions, and other judicial dispositions decreased by 77. Clerk dispositions increased by 10.

**Table 9 - Method of Disposition**

	2014	2015	2016	2017	2018	2019	Change from '18
By Opinion*	3016	2933	3110	2967	2820	2840	+20
Other Judicial Dispositions	1955	1759	1897	2368	1872	1795	-77
Total Judicial Dispositions	4971	4692	5007	5335	4692	4635	-57
By Clerk	1689	1738	1827	1858	1857	1867	+10
Closed Cases	6660	6430	6834	7193	6549	6502	-47

\*Does not include 30 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 7377 **appeals** compared to 7164 filed. There are 4633 appeals pending compared to 4848 last year. There are 3862 **cases** pending this year compared with 4111 last year.

**Table 11 - Pending Appeals/Cases**

	2014	2015	2016	2017	2018	2019	% Change from '18
All Appeals Pending	4710	4783	5713	4888	4848	4633	-4.4
Cases	4010	4127	4907	4227	4111	3862	-6.1

The 3862 pending cases are characterized as either Cases Under Submission or Unassigned Carry-Over:

**1. Cases Under Submission**

Excluding cases consolidated for argument and decision (12), and held in abeyance by the judges (17), the pending cases argued and awaiting decision decreased from last year.

**Table 12 - Cases Under Submission**

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Active Judges	121	122	136	105	137	167
Senior Judges	21	17	21	22	62	18
Visiting Judges	4	1	1	0	0	2
Total	146	140	158	127	199	187

**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, 243 fewer than last year. This leaves 3658 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>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
<b>2019</b>	3658	7164	51.1

The 3658 unassigned cases fall into the following categories.

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

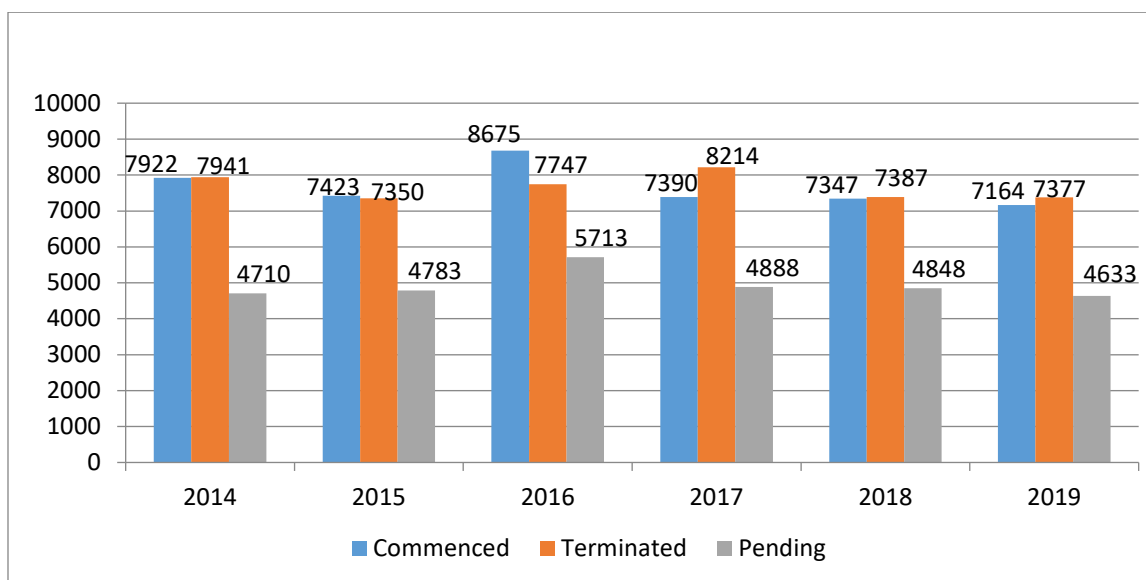
<b>Category</b>	<b>2018</b>	<b>2019</b>
(a) Already Briefed		
Calendared for Oral Argument	114	120
Briefed but Held in Abeyance	14	32
Awaiting Assignment to Oral Argument Calendar	158	153
Being Screened	765	753
Assignment to Augean Conference	75	30
Awaiting Assignment to Conference Calendar	1	0
<b>Subtotal</b>	<b>1127</b>	<b>1088</b>

Category	2018	2019
(b) Unbriefed Cases		
Pre-Briefing	1266	1089
Records Due	88	157
Being Briefed	1252	1109
Stayed/Held in Abeyance	48	98
Awaiting DC Action*	120	117
<b>Subtotal</b>	<b>2774</b>	<b>2570</b>
<b>Total</b>	<b>3901</b>	<b>3658</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**

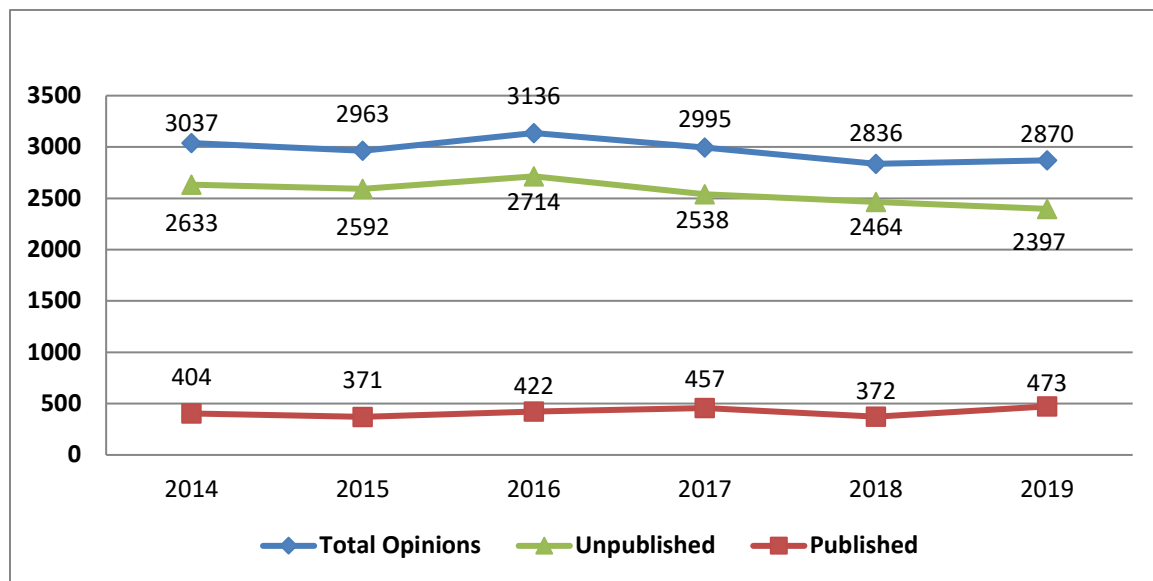
**1. Number of Opinions, Published and Unpublished**

The total number of opinions increased by 34. Total opinions, including the numbers published and unpublished for the last six years are:

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

<b>Year</b>	<b>Total Opinions</b>	<b>Published</b>	<b>Unpublished</b>
2014	3037	404	2633
2015	2963	371	2592
2016	3136	422	2714
2017	2995	457	2538
2018	2836	372	2464
2019	2870	473	2397

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



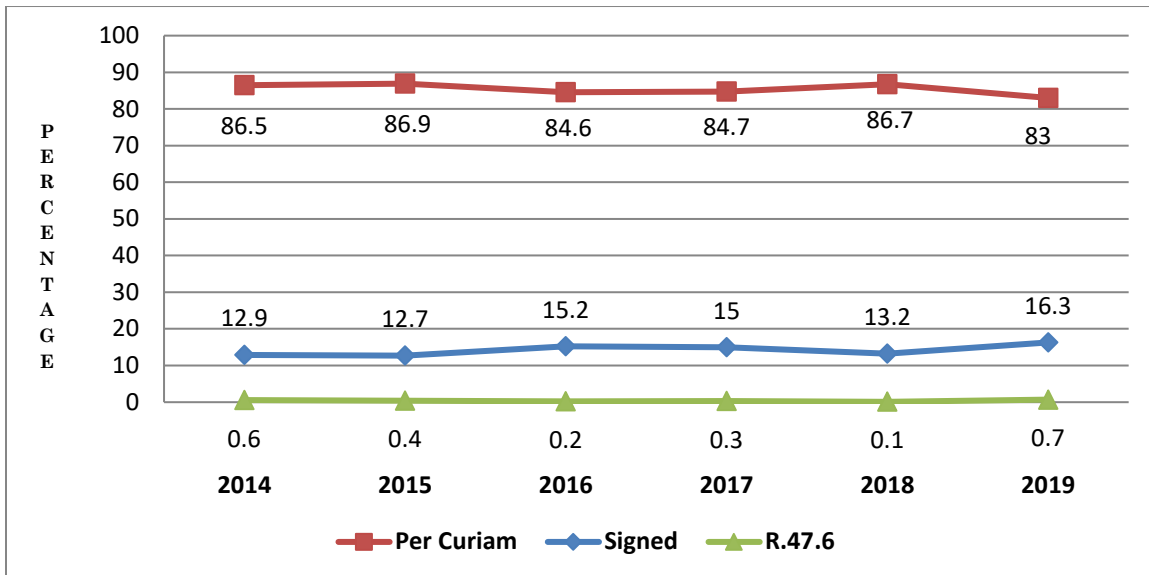
## 2. Types of Opinions

Signed opinions increased by 3.1% this year and per curiam opinions decreased by 3.7%.

**Table 18 - Types of Opinions**

Year	Signed	Per Curiam	Rule 47.6	Total
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%
2019	16.3%	83.0%	0.7%	100.0%

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



### 3. Types of Opinions by Calendar

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 365 from 1607 to 1242. The percentage of signed opinions on the summary calendar increased by 0.5% while per curiam opinions decreased by 1.3%.

**Table 20 - Summary Calendar Opinions**

<b>Year</b>	<b>Signed</b>	<b>Per Curiam</b>	<b>Rule 47.6</b>	<b>Total</b>
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%
2019	1.9%	97.2%	0.9%	100.0%

(b) Oral Argument Calendar

Signed opinions on the oral argument calendar increased this year by 3.2%. Per curiam opinions decreased 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>
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%
2019	43.7%	55.5%	0.8%	100.0%

(c) Conference Calendar

There were 610 conference calendar opinions this year compared to 364 last year.

**4. Published and Unpublished Opinions**

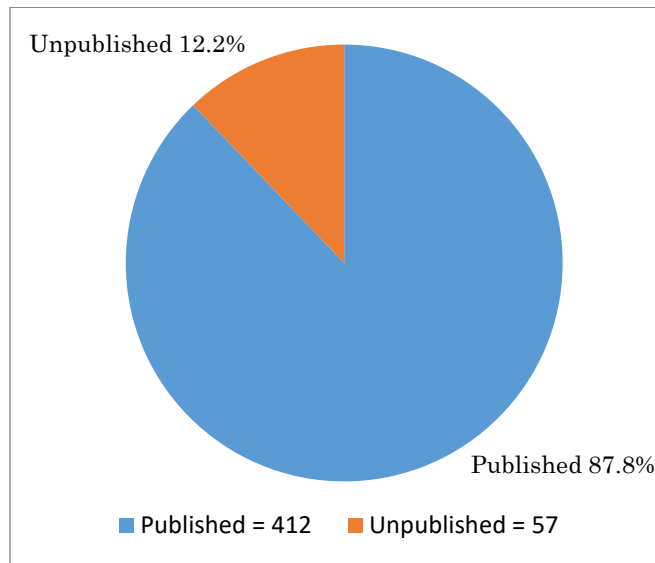
Of the 2870 opinions, 473 (16.5%) were published. The number of published opinions increased by 101 from the preceding year.

(a) Number and Percentage – 2019

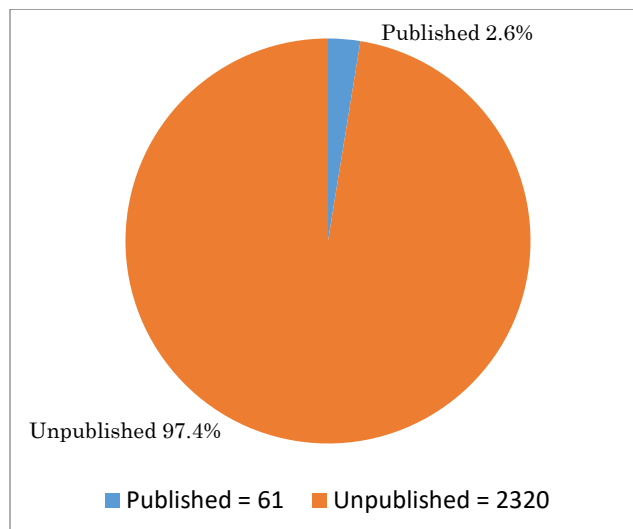
**Table 22 - Opinion Number and Percentage 2019**

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	412	87.8	57	12.2	469
Per Curiam Opinions	61	2.6	2320	97.4	2381
Rule 47.6 Opinions	0	0.0	20	100.0	20
<b>Total</b>	<b>473</b>	<b>16.5</b>	<b>2397</b>	<b>83.5</b>	<b>2870</b>

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



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

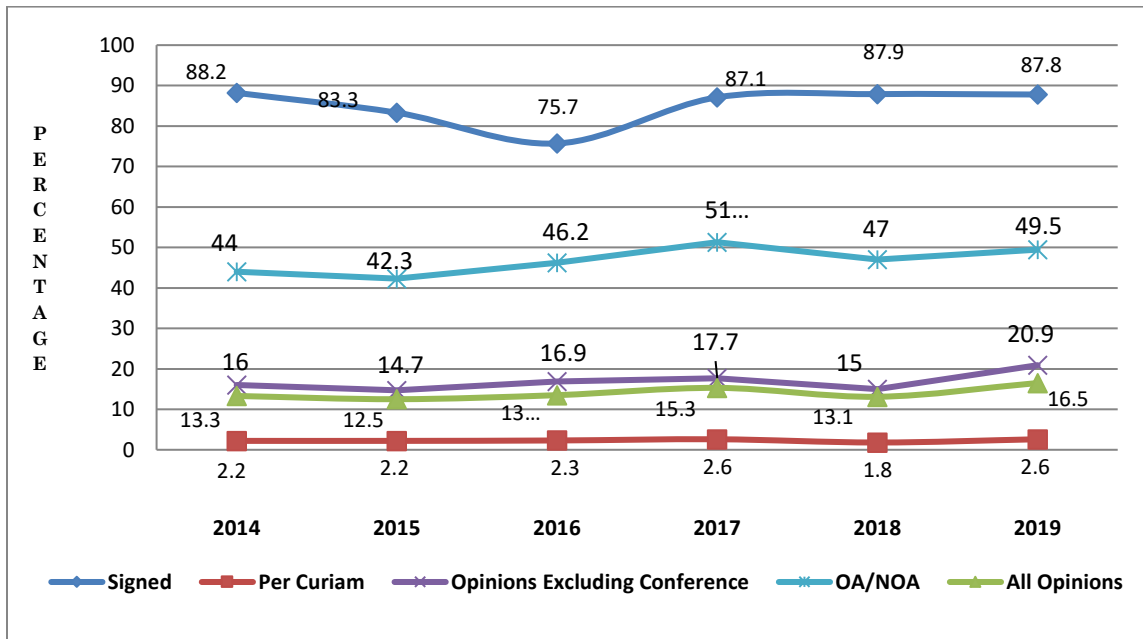


(b) Percentage Comparison (Published) - 2014 - 2019

**Table 25 - Published Opinion Percentage**

	% Published					
	2014	2015	2016	2017	2018	2019
Signed Opinions	88.2	83.3	75.7	87.1	87.9	87.8
Per Curiam Opinions	2.2	2.2	2.3	2.6	1.8	2.6
Opinions Excluding Conference Calendar	16.0	14.7	16.9	17.7	15.0	20.9
Oral Argument/No Oral Argument	44.0	42.3	46.2	51.3	47.0	49.5
All Opinions	13.3	12.5	13.5	15.3	13.1	16.5

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



(c) Length of Published Opinions

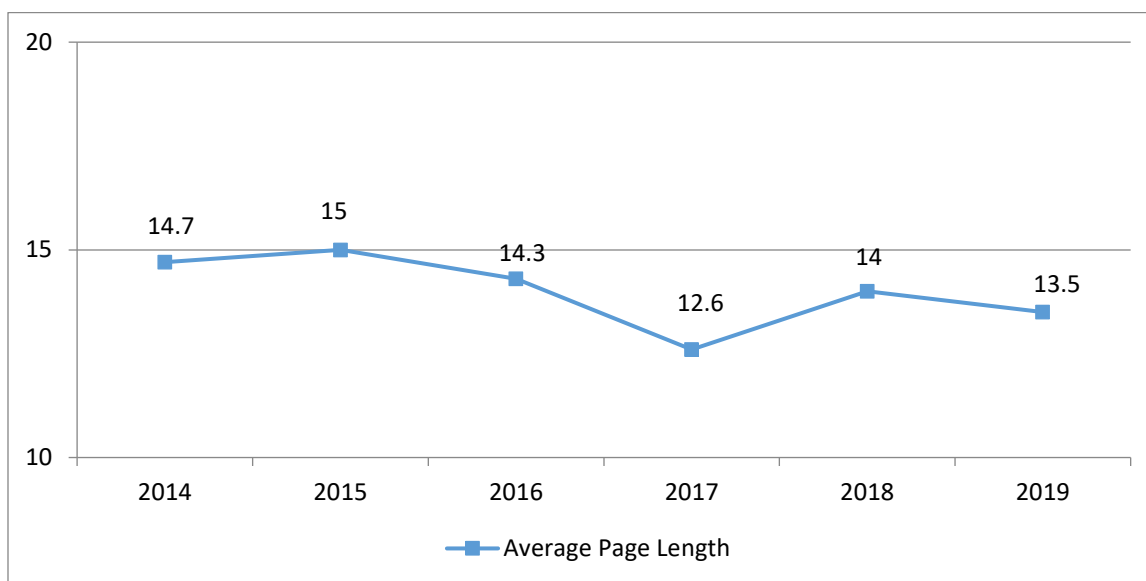
The average page length of opinions is down 3.6% from 2018.



**Table 27 - Average Page Length**

<b>Year</b>	<b>Page Length</b>
2014	14.7
2015	15.0
2016	14.3
2017	12.6
2018	14.0
2019	13.5

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



**5. Reversal Rate**

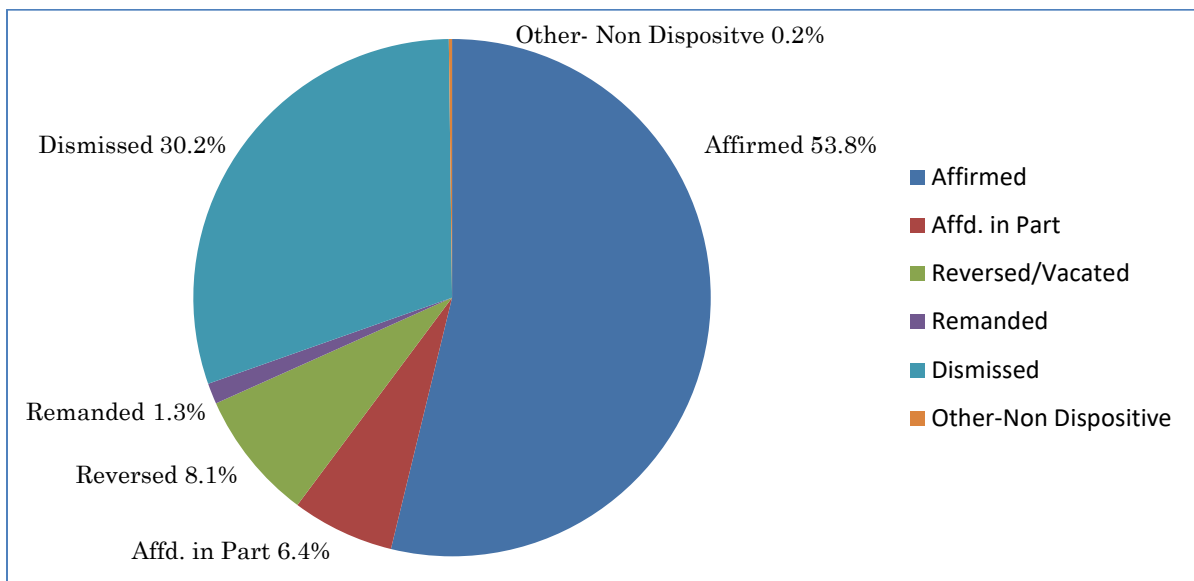
The 2019 reversed/vacated rate of 8.1% is greater than the 7.2% reversed/vacated rate in 2018.

**Table 29 - Reversal Rate**

	2019								2018
	Summary		Hearing		Conference Calendar		Overall		Overall
	No.	%	No.	%	No.	%	No.	%	%
Affirmed	948	76.3	587	57.7	9	1.5	1544	53.8	54.7
Affd. In Part	75	6.0	110	10.8	0	0.0	185	6.4	5.7
Dismissed	161	13.0	108	10.6	598	98.0	867	30.2	31.7
Remanded	6	0.5	31	3.0	0	0.0	37	1.3	0.7
Transferred	0	0.0	0	0.0	0	0.0	0	0.0	0
Reversed/Vacated*	52	4.2	177	17.4	3	0.5	232	8.1	7.2
Other-Non Dispositive	0	0.0	5	0.5	0	0.0	5	0.2	0.0
<b>Total</b>	<b>1242</b>	<b>100.0</b>	<b>1018</b>	<b>100.0</b>	<b>610</b>	<b>100.0</b>	<b>2870</b>	<b>100.0</b>	<b>100.0</b>

\*The reversed and vacated categories are 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, 2018, through June 30, 2019 decreased by 9 cases over last year.

**2. Opinion Output - Overall - 2014 - 2019**

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>
2014 <sup>1</sup>	2188	849	3037	156
2015 <sup>2</sup>	2182	781	2963	145
2016 <sup>3</sup>	2436	700	3136	163
2017 <sup>4</sup>	2198	797	2995	157
2018 <sup>5</sup>	1736	1100	2836	139
2019 <sup>6</sup>	1941	929	2870	130

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<sup>1</sup> In 2014, there were 15 active judges, 7 non-active judges and 6 visiting judges.

<sup>2</sup> In 2015, there were 15 active judges, 7 non-active judges and 10 visiting judges.

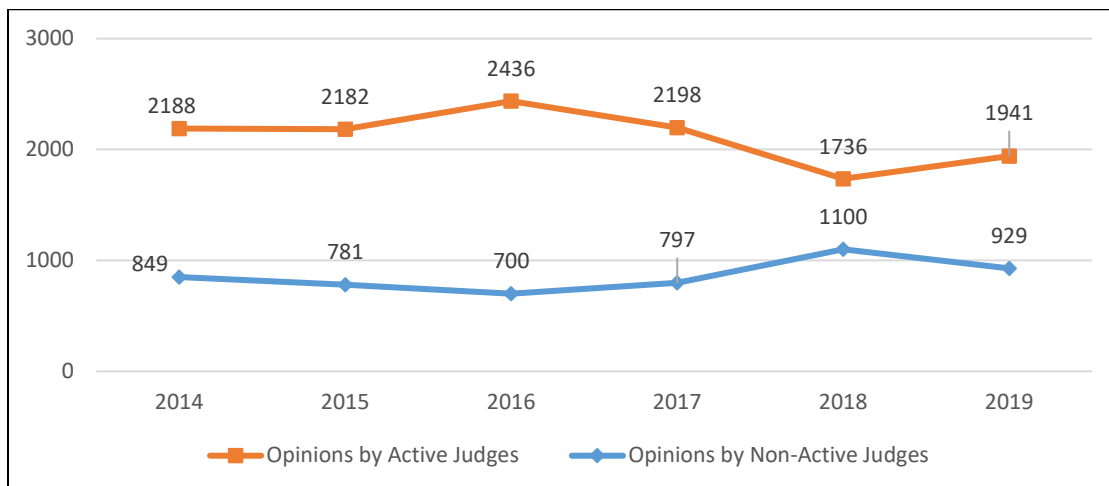
<sup>3</sup> In 2016, there were 15 active judges, 6 non-active judges and 7 visiting judges.

<sup>4</sup> In 2017, there were 14 active judges, 7 non-active judges and 2 visiting judges.

<sup>5</sup> In 2018, there were 16 active judges, 9 non-active judges and 2 visiting judges.

<sup>6</sup> In 2019, there were 16 active judges, 9 non-active judges and 2 visiting judges.

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



### **3. Overall Workload**

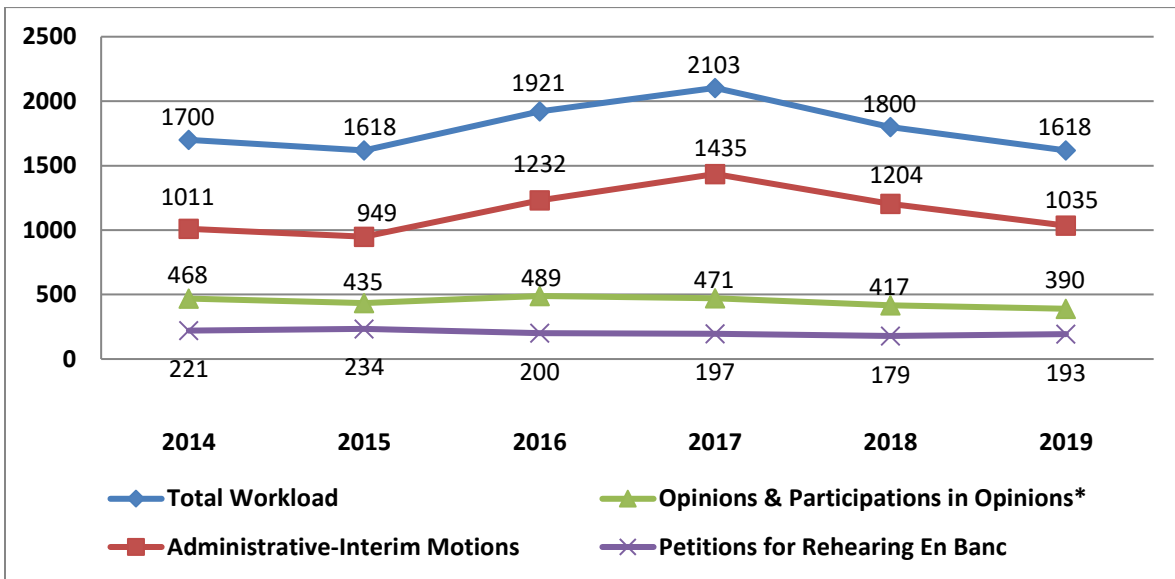
The average opinions per active judge does not give a complete measure of the active judges' overall workload. Participation in other panel members' opinions in fully briefed cases, conference calendar panels, Augean conference panels, as well as consideration of petitions for rehearing en banc and administrative-interim motions are also other important work factors. Overall, active judges handled 182 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					
	2014	2015	2016	2017	2018	2019
Opinions and Participations in Opinions*	468	435	489	471	417	390
Petitions for Rehearing En Banc	221	234	200	197	179	193
Administrative-Interim Motions	1011	949	1232	1435	1204	1035
<b>Total Workload</b>	<b>1700</b>	<b>1618</b>	<b>1921</b>	<b>2103</b>	<b>1800</b>	<b>1618</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 (No Argument)		III (Limited Argument)		IV (Full Argument)		Total	
	No.	%	No.	%	No.	%	No.	%
2014	2032 <sup>1</sup>	72.9	756	27.1	0	0.0	2788 <sup>1</sup>	100.0
2015	2002 <sup>2</sup>	72.8	745	27.1	3	0.1	2750 <sup>2</sup>	100.0
2016	2183 <sup>3</sup>	73.2	798	26.8	0	0.0	2981 <sup>3</sup>	100.0
2017	2076 <sup>4</sup>	71.9	810	28.1	1	0.0	2887 <sup>4</sup>	100.0
2018	1954 <sup>5</sup>	71.6	772	28.3	3	0.1	2729 <sup>5</sup>	100.0
2019	1827 <sup>6</sup>	67.2	889	32.7	4	0.1	2720 <sup>6</sup>	100.00
Total	12,074 <sup>7</sup>	71.6	4770	28.3	11	0.1	16,855 <sup>7</sup>	100.0

Argument was held in 57.6% of the 893 cases designated as Class III and IV.

<sup>1</sup> Includes 499 conference calendar opinions.

<sup>2</sup> Includes 447 conference calendar opinions.

<sup>3</sup> Includes 647 conference calendar opinions.

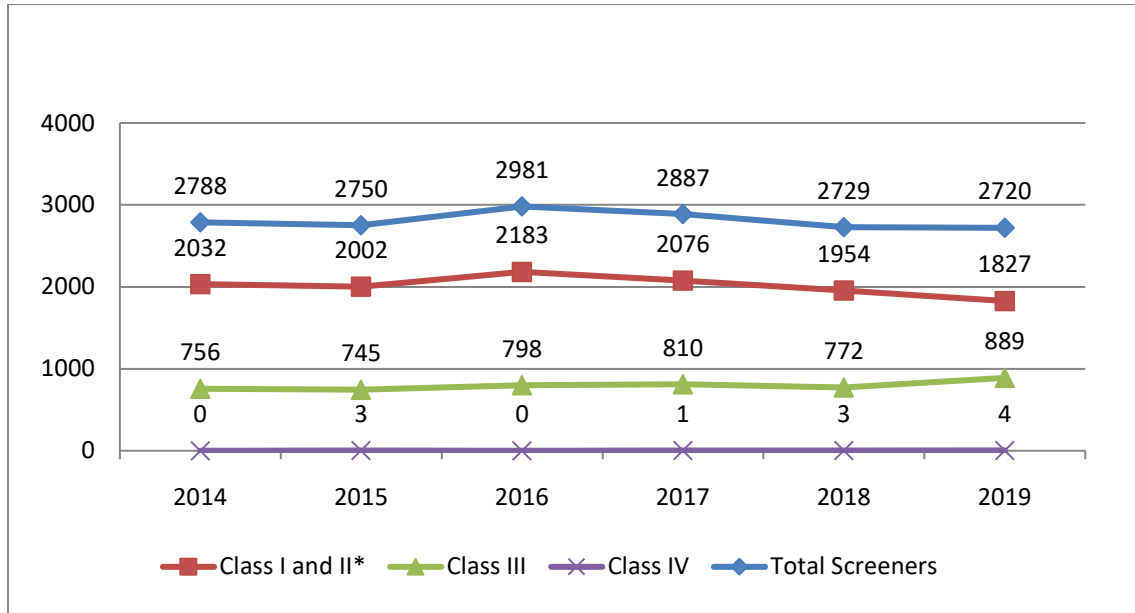
<sup>4</sup> Includes 421 conference calendar opinions.

<sup>5</sup> Includes 360 conference calendar opinions.

<sup>6</sup> Includes 610 conference calendar opinions.

<sup>7</sup> Includes 2984 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 (%)					
	2014	2015	2016	2017	2018	2019
CRIMINAL DIRECT	86.1	86.5	88.0	84.3	86.5	85.2
CRIMINAL NON-DIRECT	83.5	85.2	91.7	91.6	96.2	85.3
PRISONER CASES						
W/cnsl	40.0	18.7	35.0	25.0	34.6	37.0
W/O cnsl	86.4	86.5	86.3	89.5	87.0	76.7

	<b>Summary Calendar Percentage (%)</b>					
<b>Case Type</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>2255</b>						
W/cnsl	0.0	0.0	0.0	25.0	16.7	31.3
W/O cnsl	61.5	40.0	36.4	61.5	91.7	60.0
<b>CIVIL</b>						
Diversity	43.1	39.8	39.8	41.0	30.4	33.0
Federal Question	27.6	30.2	28.5	27.7	27.4	29.1
U.S. Civil	48.9	40.3	42.1	29.5	30.2	25.6
Tax	11.1	50.0	0.0	50.0	0.0	33.3
Bankruptcy	26.4	28.9	24.4	37.1	28.1	22.6
Civil Rights	56.6	50.6	46.0	37.6	40.1	38.0
BIA	82.0	86.6	84.6	81.9	85.8	79.6
Tax Court	41.7	33.3	33.3	33.3	33.3	75.0
Other Agency	53.8	31.2	15.2	30.8	10.0	22.2
Social Security	66.7	66.7	81.0	81.8	37.5	75.0
Mandamus	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>72.9</b>	<b>72.8</b>	<b>73.2</b>	<b>72.0</b>	<b>71.6</b>	<b>67.2</b>



## **H. EN BANC PETITIONS AND REHEARINGS**

The court received 190 petitions for en banc rehearing, an increase of 15 from the prior year (175). Parties requested en banc rehearing in 6.6% of the cases with opinions. The court acted upon 193 petitions for en banc rehearing and 12 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 181 cases, 4 of which were after a poll. The court granted five petitions for rehearing en banc by the parties. In one other case, the court sua sponte granted en banc rehearing. See **Enclosure D**, page 31.

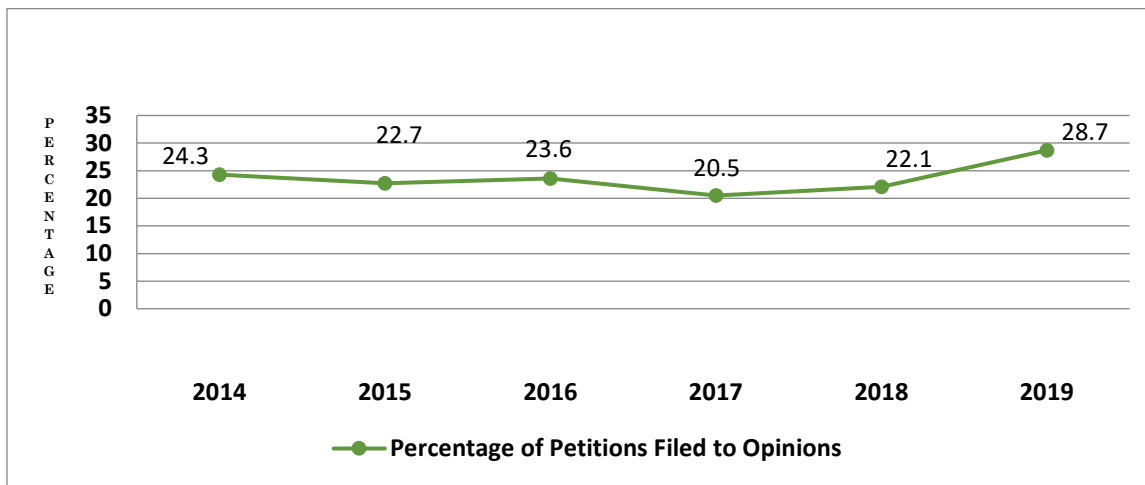
**I. PETITIONS FOR CERTIORARI**

The number of petitions filed is as follows:

**Table 38 - Petitions for Certiorari**

<b>Petitions Filed</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Criminal	365	327	440	349	304	259
U.S. Civil	90	70	56	59	67	83
Private Civil	277	269	238	194	244	282
Administrative Appeals	7	8	5	12	11	10
<b>TOTAL</b>	<b>739</b>	<b>674</b>	<b>739</b>	<b>614</b>	<b>626</b>	<b>634</b>
<b>Opinions Rendered</b>	<b>3037</b>	<b>2963</b>	<b>3136</b>	<b>2995</b>	<b>2836</b>	<b>2870</b>
<b>% of Petitions filed to Opinions</b>	<b>24.3</b>	<b>22.7</b>	<b>23.6</b>	<b>20.5</b>	<b>22.1</b>	<b>28.7</b>

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



The Supreme Court took action on 636 cases from our Court compared with 648 last year. The Court granted 13 petitions, 56 fewer than last year, or 2.04% of the total. (For additional information, see **Enclosure E**, page 32.)

**J. ADMINISTRATIVE-INTERIM MOTIONS**

The administrative-interim motions decreased to 3653 from 3812 last year, to an average of 261 initiating actions per active judge. When panel matters are considered, each judge acted on 1035 such motions, down from 1204 last year. See **Enclosure I**, page 36, for other details.

## Table of New Appeals Docketed by Case Type as of 6/30/2019

CASE TYPE	(a)	(b)		(c)	(d)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
	MO. % 2018-2019	CUMULATIVE % 17-18	18-19	2017 2018	2018 2019												
CRIMINAL CASES	30.03%	29.37%	30.67%	2,158	2,197	187	226	177	219	170	154	159	165	155	192	217	176
PRISONER CASES																	
w/counsel	2.56%	2.71%	2.00%	199	143	14	10	8	11	19	10	13	10	10	11	12	15
w/o counsel	25.43%	26.36%	25.52%	1,937	1,828	186	164	123	153	128	130	127	146	188	151	183	149
Succ Habeas	4.78%	6.76%	7.02%	497	503	40	55	36	40	36	31	49	38	39	54	57	28
Non-Pd Mandamus	1.37%	2.00%	1.93%	147	138	14	17	10	8	14	8	12	10	16	11	10	8
<b>SUB-TOTAL</b>	<b>64.16%</b>	<b>67.21%</b>	<b>67.13%</b>	<b>4,938</b>	<b>4,809</b>	<b>441</b>	<b>472</b>	<b>354</b>	<b>431</b>	<b>367</b>	<b>333</b>	<b>360</b>	<b>369</b>	<b>408</b>	<b>419</b>	<b>479</b>	<b>376</b>
<b>CIVIL</b>																	
Private Civil	10.24%	14.96%	13.25%	1,099	949	165	87	76	84	62	54	60	82	56	90	73	60
Diversity	3.41%	5.05%	4.82%	371	345	47	35	30	31	19	18	32	24	30	27	32	20
Fed. Quest.	6.83%	9.91%	8.43%	728	604	118	52	46	53	43	36	28	58	26	63	41	40
U.S. CIVIL	2.39%	1.33%	1.66%	98	119	12	8	5	5	9	8	16	9	13	15	5	14
Tax	0.51%	0.11%	0.18%	8	13	0	1	1	4	0	0	1	2	0	0	1	3
Tax Court	0.17%	0.20%	0.22%	15	16	0	3	1	0	2	1	0	2	2	3	1	1
Bankruptcy	1.19%	1.17%	1.03%	86	74	12	8	7	4	4	5	2	3	10	6	6	7
BIA	10.75%	5.35%	6.17%	393	442	30	33	29	32	42	41	46	22	27	38	39	63
Other Agency	0.68%	0.60%	0.66%	44	47	3	8	3	2	0	2	5	0	5	11	4	4
Civil Rights	9.04%	7.99%	8.51%	587	610	48	52	54	59	41	49	47	47	51	61	48	53
Soc. Security	0.17%	0.10%	0.22%	7	16	0	1	0	3	0	1	1	2	1	1	5	1
Mandamus	0.00%	0.37%	0.40%	27	29	3	1	1	1	2	6	4	1	2	3	5	0
Miscellaneous	0.68%	0.61%	0.56%	45	40	6	3	4	7	2	1	3	2	2	3	3	4
<b>SUB-TOTAL</b>	<b>35.84%</b>	<b>32.79%</b>	<b>32.87%</b>	<b>2,409</b>	<b>2,355</b>	<b>279</b>	<b>205</b>	<b>181</b>	<b>201</b>	<b>164</b>	<b>168</b>	<b>185</b>	<b>172</b>	<b>169</b>	<b>231</b>	<b>190</b>	<b>210</b>
<b>TOTAL APPEALS</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>7,347</b>	<b>7,164</b>	<b>720</b>	<b>677</b>	<b>535</b>	<b>632</b>	<b>531</b>	<b>501</b>	<b>545</b>	<b>541</b>	<b>577</b>	<b>650</b>	<b>669</b>	<b>586</b>

Legend:

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

(b): The Cumulative Percentage for the corresponding months in 17-18 compared with 18-19

(c): The Cumulative Total Filings for the corresponding months in 17-18

(d): The Cumulative Total for 18-19

ENCLOSURE A

**WORKLOAD PER ACTIVE JUDGE**

I.	SUMMARY CALENDAR CASES*			
	(a) Opinions or dispositions as initiating judge	49		
	(b) Participations in opinions or dispositions of other panel members		98	
	(c) Sub-total summary calendar cases			147
II.	CONFERENCE CALENDAR CASES*			
	(a) Opinions or dispositions as initiating judge	32		
	(b) Participations in opinions or dispositions of other panel members		64	
	(c) Sub-total conference calendar cases			96
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))*	130		
V.	TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b), III (b))*		260	
VI.	TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c), III (c))*			390
VII.	PETITIONS FOR REHEARING EN BANC			193
VIII.	ADMINISTRATIVE-INTERIM MATTERS			
	(a) Single Judge Matters	156		
	(b) Participation in panel matters as initiating judge	293		
	(c) Participation in panel matters of other panel members		586	
	(d) Sub-total administrative - interim matters			1035
IX.	TOTAL MATTERS PARTICIPATED IN PER JUDGE			1618

\* 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, 2018 - June 30, 2019

<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	604	555	200	0	1359	85.3
CRIMINAL NON-DIRECT	33	66	17	0	116	85.3
PRISONER CASES						
HC-W	0	5	10	0	15	33.3
HC-W/O	10	47	16	0	73	78.1
1983-W	0	4	5	0	9	44.4
1983-W/O	11	70	26	0	107	75.7
O. Pris.-W	0	1	3	0	4	25.0
O. Pris. W/O	3	7	2	0	12	83.3
2255-W	0	5	11	0	16	31.3
2255-W/O	3	12	10	0	25	60.0
CIVIL						
Diversity	2	59	124	0	185	33.0
Fed. Question	5	72	188	0	265	29.1
U.S. Civil	1	9	28	1	39	25.6
Tax	0	2	4	0	6	33.3
Bankruptcy	0	12	41	0	53	22.6
Civ. Rights	4	89	151	1	245	38.0
BIA	0	121	31	0	152	79.6
Tax Court	0	6	2	0	8	75.0
Other Agency	0	6	19	2	27	22.2
Social Security	0	3	1	0	4	75.0
Mandamus	0	0	0	0	0	0.0
<b>TOTAL*</b>	<b>676</b>	<b>1151</b>	<b>889</b>	<b>4</b>	<b>2720</b>	<b>67.2</b>

\*Includes 606 Conference Calendar Cases.

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

<u>07/01/18 - 06/30/19</u>	
<b>TOTAL</b>	
<b>TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR</b>	15
<b>Petitions for Rehearing En Banc FILED this Year</b>	190
<b>Petitions for Rehearing En Banc DENIED</b>	181
w/poll vote	4
w/o poll vote	177
<b>En Banc GRANTED</b>	6
On Petition With Oral Argument	5
On Petition Without Oral Argument	0
Sua Sponte En Banc With Oral Argument	1
Sua Sponte En Banc Without Oral Argument	0
<b>Disposed of by Other Means</b>	6
<b>TOTAL PENDING AS OF 6/30/19</b>	12

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

**SUMMARY**

**PERIOD: JULY 1, 2018 - JUNE 30, 2019**

		<b>TYPE OF DISPOSITION</b>					
<b>TYPE</b>	<b>PENDING 6/30/2018*</b>	<b>NUMBER FILED</b>	<b>GRANTED</b>	<b>DENIED</b>	<b>DISMISSED</b>	<b>REMOVED</b>	<b>PENDING 6/30/2019</b>
TOTAL	98	634	13	619	3	1	96
CRIM	44	259	5	267	0	0	31
USC	12	83	3	80	0	0	12
PRIV. CIV.	39	282	2	263	3	1	52
ADM**	3	10	3	9	0	0	1

\*The number of petitions pending on 6/30/2018 has been adjusted to account for petitions filed and backdated by the Supreme Court.

\*\*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 2019)**

Motions to or for:	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTALS
Dismiss	24	31	26	26	25	16	28	21	23	15	31	26	292
Reinstate Appeal	1	0	0	4	5	1	5	3	2	1	0	4	26
Appointment of Counsel	14	3	4	8	6	8	0	8	4	2	6	4	67
Expedite Hearing, for Continuance, or Special Assignment	4	2	2	2	4	5	6	3	2	4	3	2	39
Stay or for Injunction and/or Supersedeas Pending Appeal	13	11	11	8	16	12	18	13	12	15	16	12	157
Supplement the Record	4	8	3	4	7	3	6	6	5	5	6	8	65
Strike Briefs, Designations for Printing, etc	2	0	0	2	0	1	0	1	1	0	1	1	9
Excess Pages in Brief	0	0	2	1	0	1	3	1	0	0	1	1	10
Bail Pending appeal	2	3	2	2	1	1	1	0	1	3	1	3	20
Interlocutory Appeal (Sec. 1292(b))	3	3	1	3	3	3	1	1	2	1	0	2	23
Jurisdiction	68	54	28	61	31	45	49	30	37	32	34	38	507
Withdraw as Counsel	10	14	5	12	8	4	14	15	8	10	8	3	111
Extensions of Time	11	21	13	17	16	11	31	21	16	37	25	32	251
Certificate of Appealability	40	54	33	54	52	52	39	42	42	47	37	44	536
Leave to Appeal In Forma Pauperis	18	27	19	22	19	22	11	19	20	20	16	22	235
Issuance of COA and Leave to Appeal In Forma Pauperis	24	15	13	19	7	18	12	9	10	8	13	11	159
Mandamus or Prohibition	12	6	4	15	9	8	11	8	7	13	15	3	111
Successive Petitions	38	34	24	35	25	27	29	25	30	42	41	24	374
Miscellaneous Motions	35	61	37	51	48	44	52	71	69	74	57	62	661
<b>TOTALS</b>	<b>323</b>	<b>347</b>	<b>227</b>	<b>346</b>	<b>282</b>	<b>282</b>	<b>316</b>	<b>297</b>	<b>291</b>	<b>329</b>	<b>311</b>	<b>302</b>	<b>3,653</b>