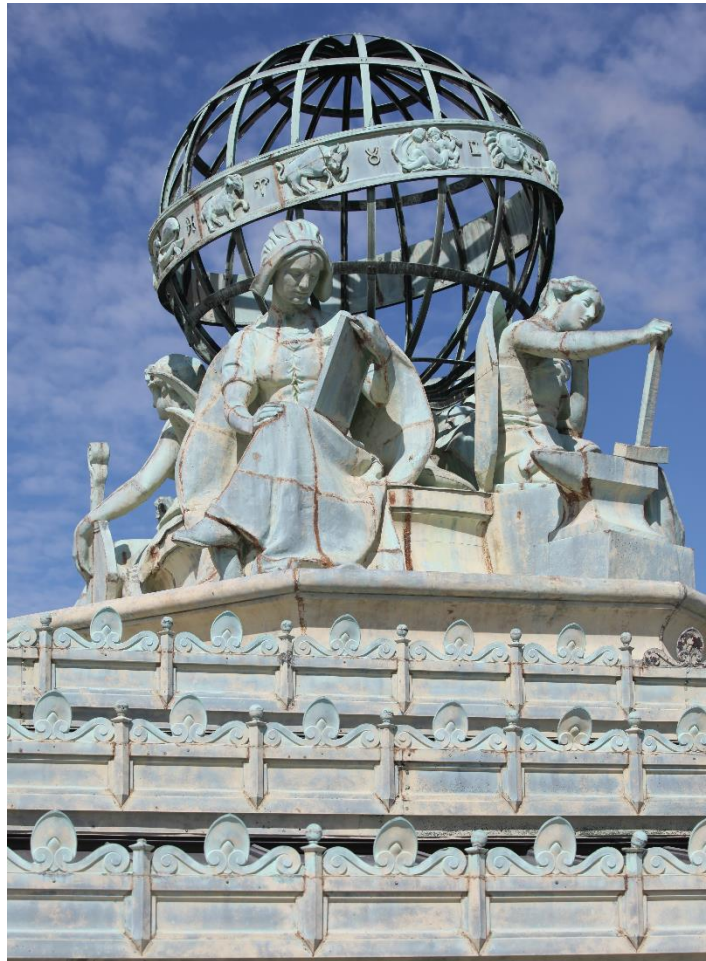


JUDICIAL
WORKLOAD
STATISTICS



*UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT
JULY 2020 - JUNE 2021

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, 2020, through June 30, 2021.

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

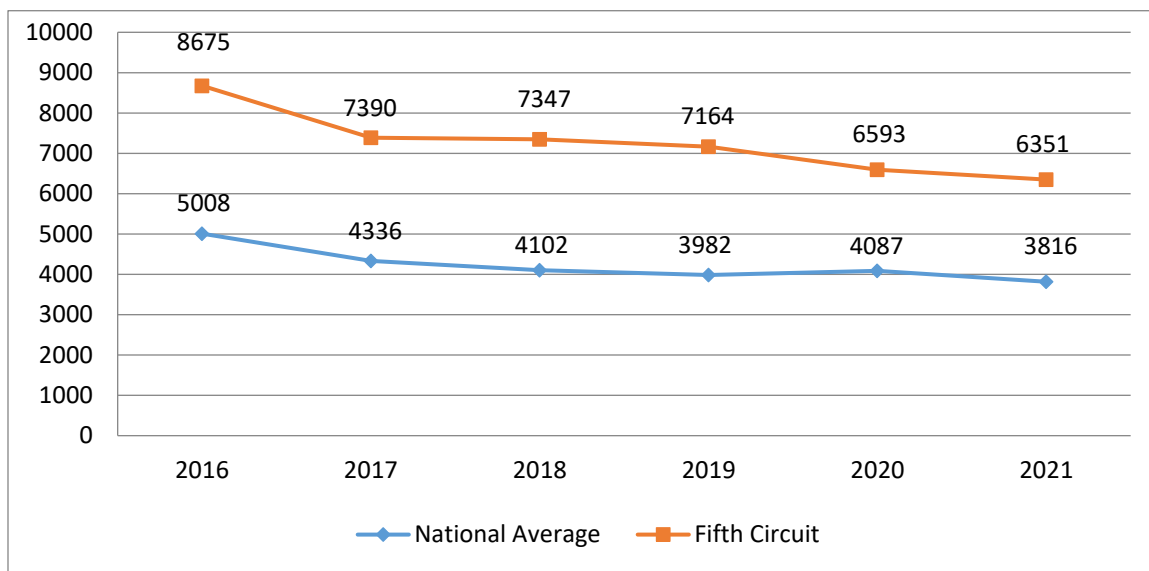
	2016	2017	2018	2019	2020	2021
New Appeals	8675	7390	7347	7164	6593	6351
Terminations	7747	8214	7387	7377	6499	6513
By Judges	5007	5335	4692	4635	4192	4045
By Clerk	1827	1858	1857	1867	1480	1725
By Consolidation	913	1021	838	875	827	743
Pending Appeals	5713	4888	4848	4633	4723	4563
Total Cases Screened for Decision as to Oral Argument	2981	2887	2729	2721	2582	2321
Cases Sent to:						
Summary Calendar	1536	1655	1594	1221	1254	1174
Conference Calendar	647	421	360	606	505	365
Oral Argument Calendar	798	811	775	893	823	782
Summary Calendar Rate	65.8%	67.1%	67.3%	57.8%	60.4%	60.0%
Conference & Summary Calendar Rate	73.2%	72.0%	71.6%	67.2%	68.1%	66.3%
Cases Ready for Argument	9	148	158	153	146	67
Cases Pending Under Submission	158	133	199	187	226	214
90-day Cases	55	47	59	70	105	107
Total Opinions	3136	2995	2836	2870	2808	2554
Published Opinions	422	457	372	473	487	489
Unpublished Opinions	2714	2538	2464	2397	2321	2065
Opinions per Active Judge	163	157	139	130	130	114
Publication Rate	13.5%	15.3%	13.1%	16.5%	17.3%	19.1%
Page Length of Published Opinions	14.3	12.6	14.0	13.5	13.4	13.5
Participations per Active Judge in Opinions	489	471	417	390	405	342
En Banc Cases	6	2	8	6	8	10
Motions per Active Judge	1232	1435	1204	1035	961	808

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 242 appeal decrease (3.7%), from 6593 to 6351 appeals. Criminal appeals increased by 34 (1.7%) and BIA appeals increased by 196 (31.3%). Prisoner appeals decreased by 53 (3.3%). Successive Habeas petitions decreased by 254 (44.3%). Civil Rights appeals decreased by 150 (24.7%).

Table 1 - New Appeals Filed



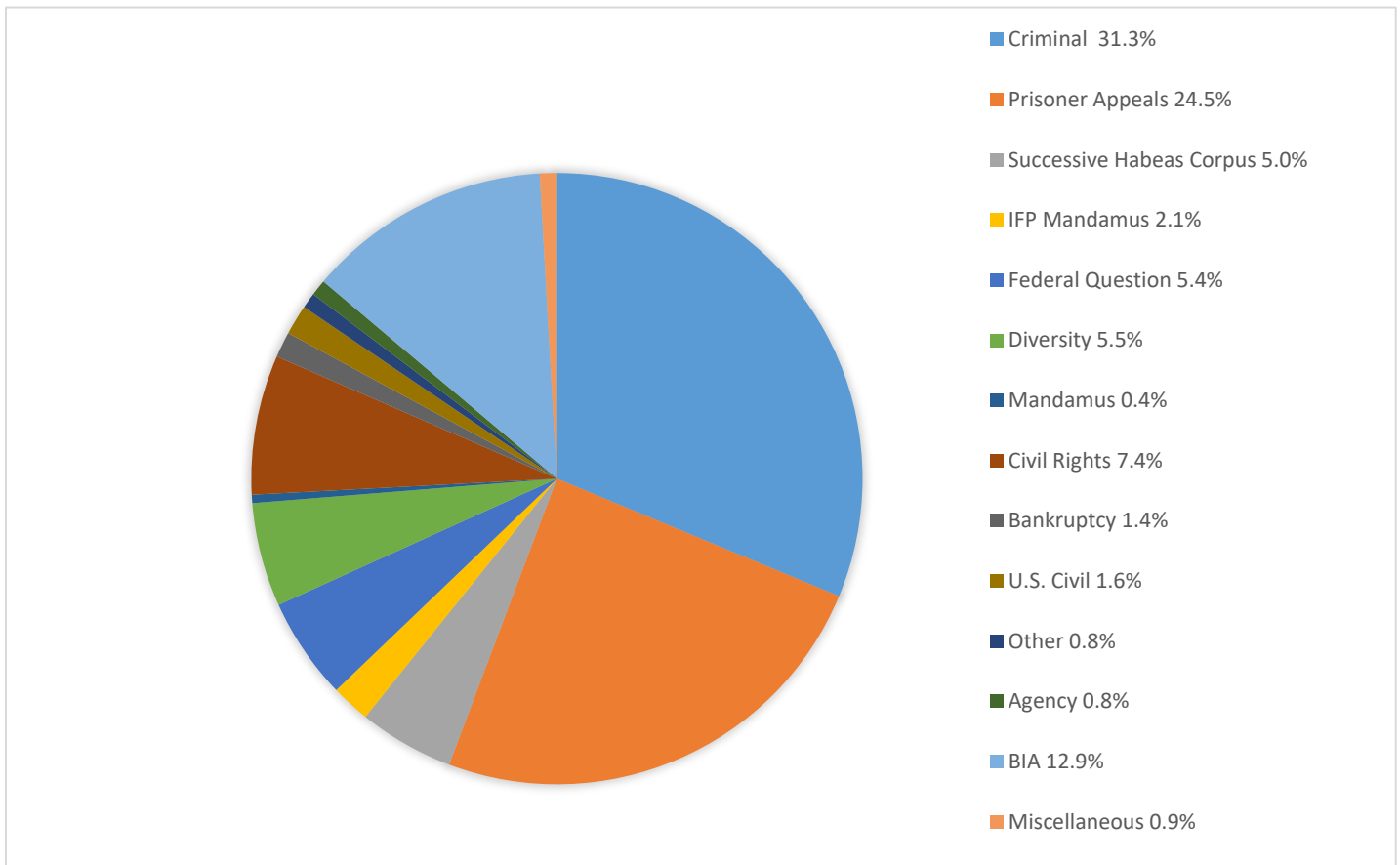
2. Source of New Appeals by Type

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2021 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 Prior Year	
	2016	2017	2018	2019	2020	2021	No.	%
Criminal	3004	2310	2158	2197	1953	1987	+34	+1.7
Prisoner Appeals	2011	2074	2136	1971	1606	1553	-53	-3.3
Successive Habeas Corpus	1304	728	497	503	574	320	-254	-44.3
IFP Mandamus	145	171	147	138	121	131	+10	+8.3
Federal Question	506	431	728	604	386	342	-44	-11.4
Diversity	379	439	371	345	383	349	-34	-8.9
U.S. Civil	80	125	98	119	87	101	+14	+16.1
Tax	9	7	8	13	6	10	+4	+66.7
Tax Court	9	16	15	16	15	10	-5	-33.3
Civil Rights	538	533	587	610	619	469	-150	-24.7
Bankruptcy	58	63	86	74	76	86	+10	+13.2
Social Security	23	18	7	16	21	32	+11	+52.4
BIA	330	350	393	442	626	822	+196	+31.3
Mandamus	33	38	27	29	30	28	-2	-6.7
Agency	124	46	44	47	38	54	+16	+42.1
Miscellaneous	122	41	45	40	52	57	+5	+9.6
	8675	7390	7347	7164	6593	6351	-242	-3.7

Table 3 - 2021 New Appeals by Case Type



Our biggest increase in filings was in Criminal and BIA appeals. Prisoner, Successive Habeas petitions and Civil Rights appeals dropped significantly.

3. New Appeals

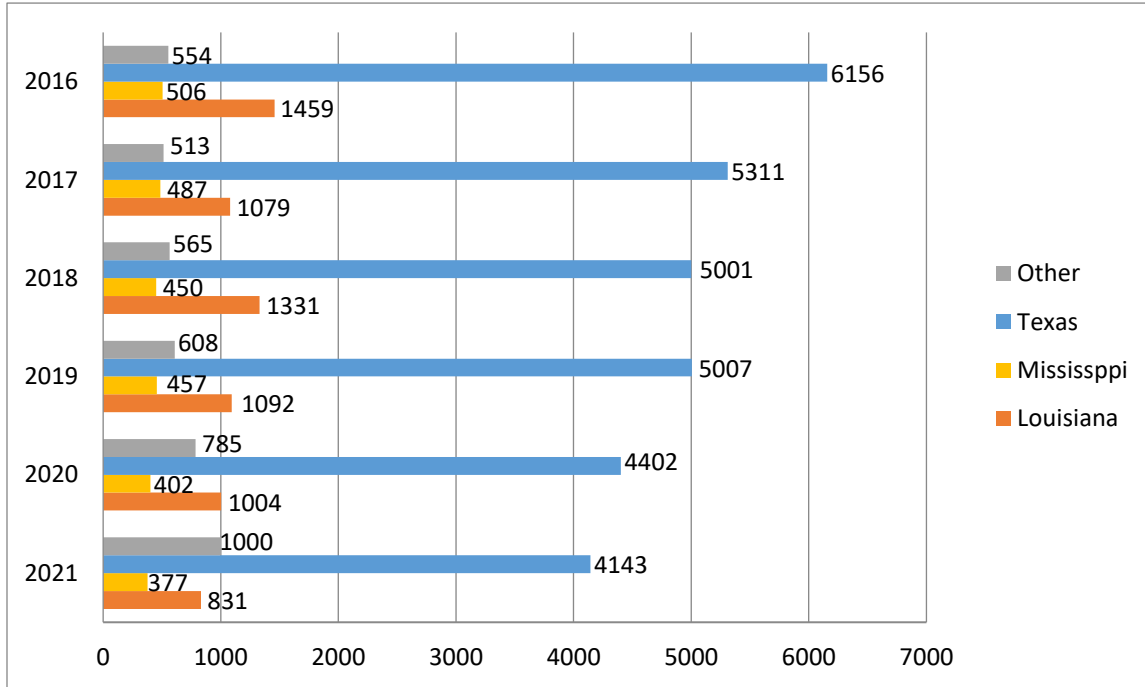
Eastern Texas is the only one of the nine districts that showed an increase in appeals filed. Southern Texas decreased the most. Other appeals (Agency, Bankruptcy, U.S. Tax Court, BIA, and Mandamus) increased by 215 cases.

Table 4 - New Appeals by Source

	2016	2017	2018	2019	2020	2021	Change from Prior Year
Louisiana Eastern	623	575	807	537	408	385	-23
Louisiana Middle	173	148	164	153	195	145	-50
Louisiana Western	663	356	360	402	401	301	-100
Subtotal	1459	1079	1331	1092	1004	831	-173
Mississippi Northern	155	132	136	129	123	119	-4
Mississippi Southern	351	355	314	328	279	258	-21
Subtotal	506	487	450	457	402	377	-25
Texas Northern	1757	1634	1659	1654	1416	1311	-105
Texas Southern	2197	1797	1653	1532	1293	1166	-127
Texas Eastern	623	600	534	605	509	526	+17
Texas Western	1579	1280	1155	1216	1184	1140	-44
Subtotal	6156	5311	5001	5007	4402	4143	-259
Agency	124	46	44	47	38	54	+16
Bankruptcy	58	63	86	74	76	86	+10
U.S. Tax Court	9	16	15	16	15	10	-5
BIA	330	350	393	442	626	822	+196
Mandamus	33	38	27	29	30	28	-2
Subtotal	554	513	565	608	785	1000	+215
Total	8675	7390	7347	7164	6593	6351	-242

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

Table 5 - New Appeals Trends



A comparison of the percentage of appeals by states for 2020 and 2021 is shown on the following charts:

Table 6a - 2020 New Appeals

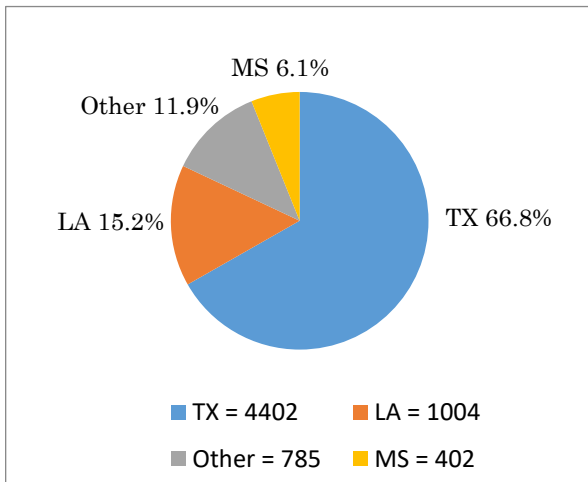
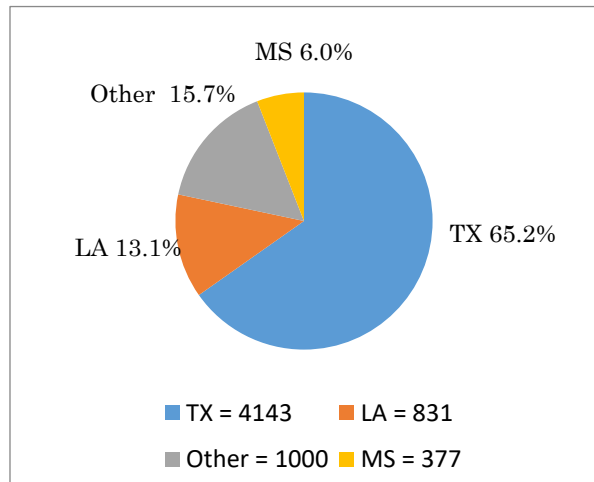


Table 6b - 2021 New Appeals



A comparison of the percentage of other appeals by source for 2020 and 2021 is shown on the following charts:

Table 7a - 2020 New Appeals

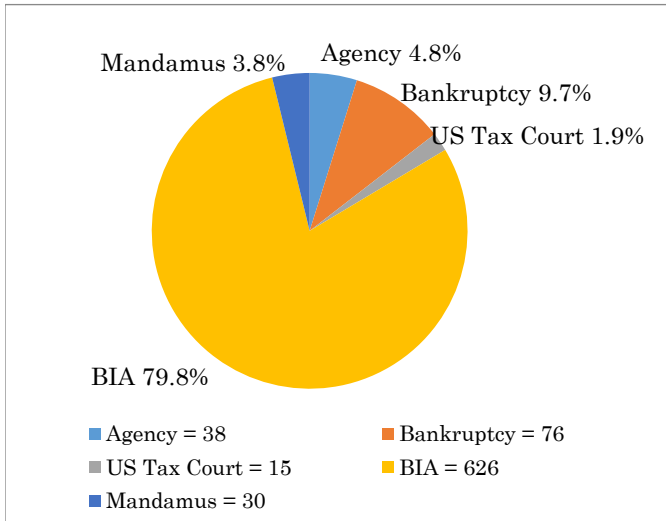
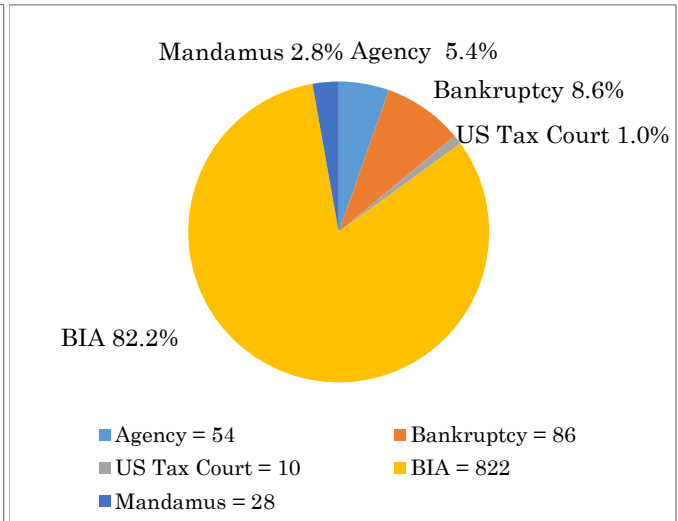


Table 7b - 2021 New Appeals



B. CLOSED APPEALS

1. Yearly Comparison

The court disposed of 14 more **appeals** this year, an increase of 0.2%.

Table 8 - Appeals and Cases Closed

	2016	2017	2018	2019	2020	2021	Change from Prior Year	
All Appeals	7747	8214	7387	7377	6499	6513	+14	+0.2%
Cases	6834	7193	6549	6502	5672	5770	+98	+1.7%

2. Method of Disposition

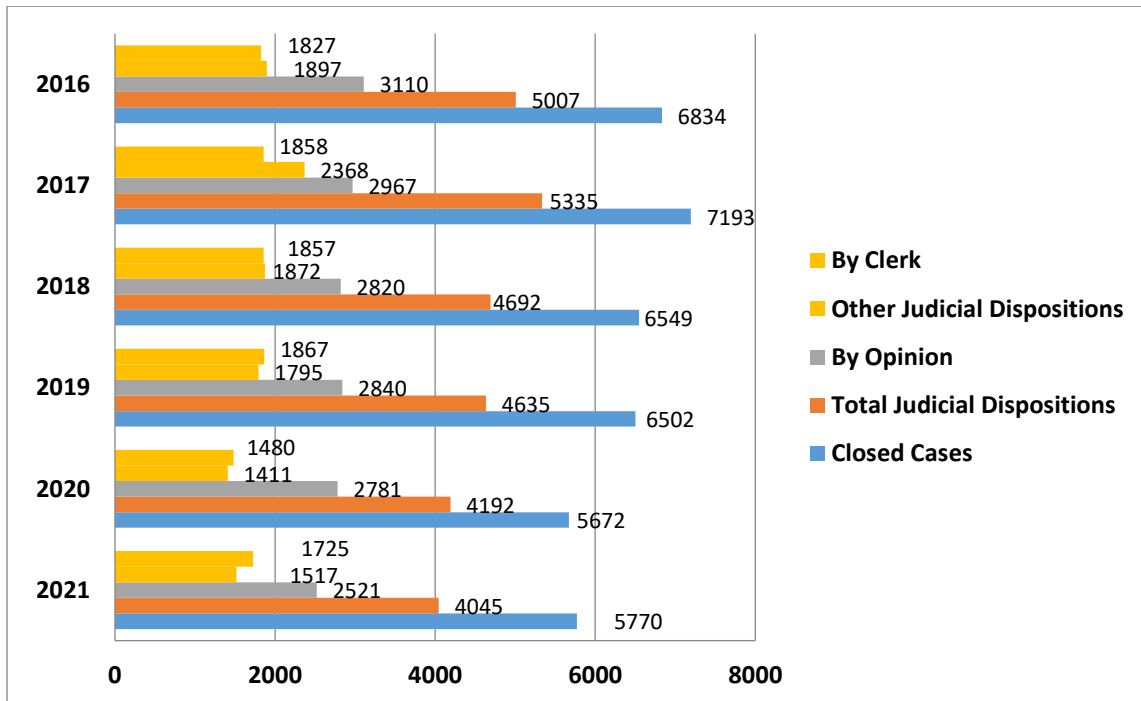
Overall, the court disposed of 98 more cases than last year. There were 260 fewer opinions, and other judicial dispositions increased by 106. Clerk dispositions increased by 245.

Table 9 - Method of Disposition

	2016	2017	2018	2019	2020	2021	Change from Prior Year
By Opinion*	3110	2967	2820	2840	2781	2521	-260
Other Judicial Dispositions	1897	2368	1872	1795	1411	1517	+106
Total Judicial Dispositions	5007	5335	4692	4635	4192	4045	-147
By Clerk	1827	1858	1857	1867	1480	1725	+245
Closed Cases	6834	7193	6549	6502	5672	5770	+98

*Does not include 33 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 6513 **appeals** compared to 6351 filed. There are 4563 appeals pending compared to 4723 last year. There are 3977 cases pending this year compared with 4071 last year.

Table 11 - Pending Appeals/Cases

	2016	2017	2018	2019	2020	2021	Change from Prior Year
All Appeals Pending	5713	4888	4848	4633	4723	4563	-3.4%
Cases	4907	4227	4111	3862	4071	3977	-2.3%

The 3977 pending cases are characterized as either Cases Under Submission or Unassigned Carry-Over:

1. Cases Under Submission

Excluding 22 cases consolidated for argument and decision, and 23 held in abeyance, the court has fewer cases argued and awaiting decision this year.

Table 12 - Cases Under Submission

	2016	2017	2018	2019	2020	2021
Active Judges	136	105	137	167	200	186
Senior Judges	21	22	62	18	26	23
Visiting Judges	1	0	0	2	0	5
Total	158	127	199	187	226	214

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, 103 fewer than last year. This leaves 3736 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

Year	Unassigned Cases	New Appeals	% Unassigned Cases to New Appeals
2016	4739	8675	54.6
2017	4092	7390	55.4
2018	3901	7347	53.1
2019	3658	7164	51.1
2020	3839	6593	58.2
2021	3736	6351	58.8

The 3736 unassigned cases fall into the following categories.

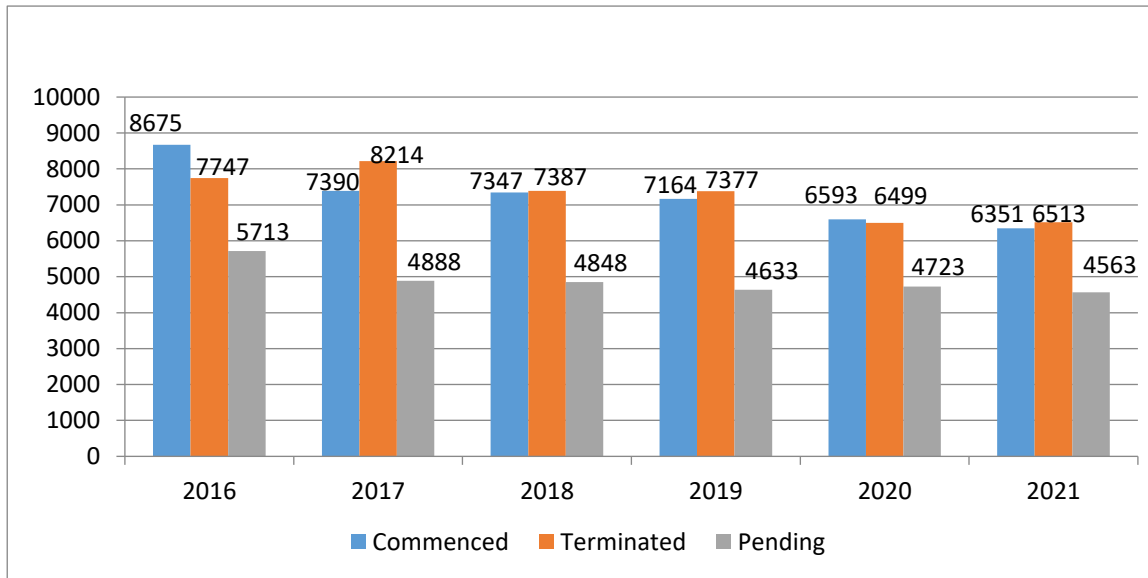
Table 14 - Unassigned Carry-Over by Category

Category	2020	2021
(a) Already Briefed		
Calendared for Oral Argument	72	142
Briefed but Held in Abeyance	58	70
Awaiting Assignment to Oral Argument Calendar	146	67
Awaiting Assignment to Screening Panel	2	2
Being Screened	807	960
Assignment to Panel for Jurisdictional Review	21	10
Subtotal	1106	1251
(b) Unbriefed Cases		
Pre-Briefing	1245	1069
Records Due	177	102
Being Briefed	1175	1187
Stayed/Held in Abeyance	51	57
Awaiting DC Action*	85	70
Subtotal	2733	2485
Total	3839	3736

*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

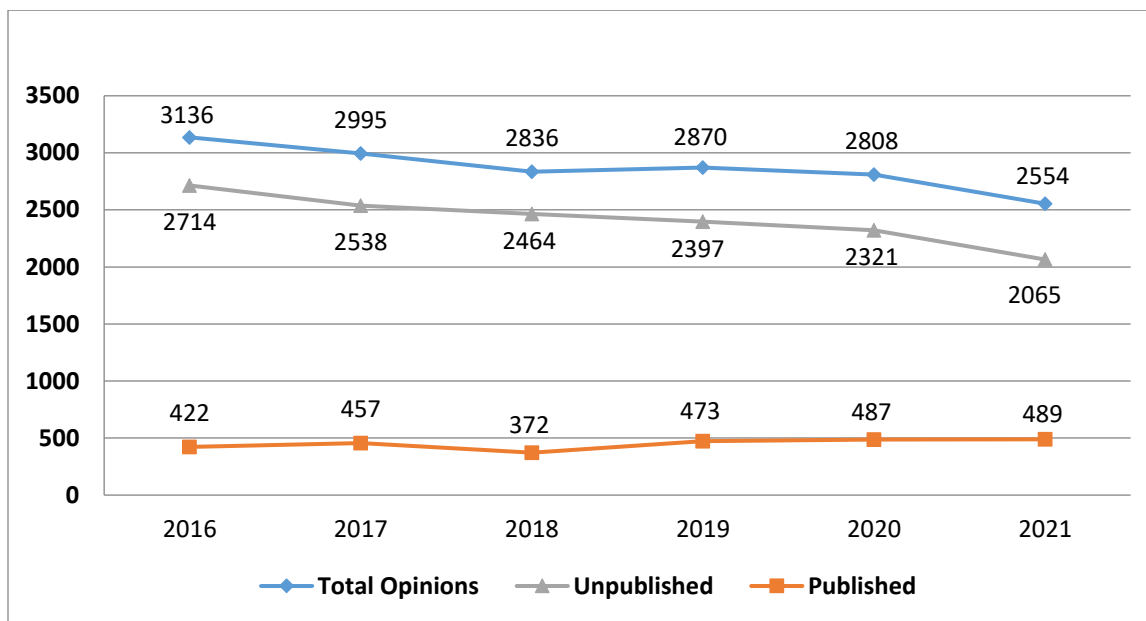
1. Number of Opinions, Published and Unpublished

The total number of opinions decreased by 254. 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
2016	3136	422	2714
2017	2995	457	2538
2018	2836	372	2464
2019	2870	473	2397
2020	2808	487	2321
2021	2554	489	2065

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



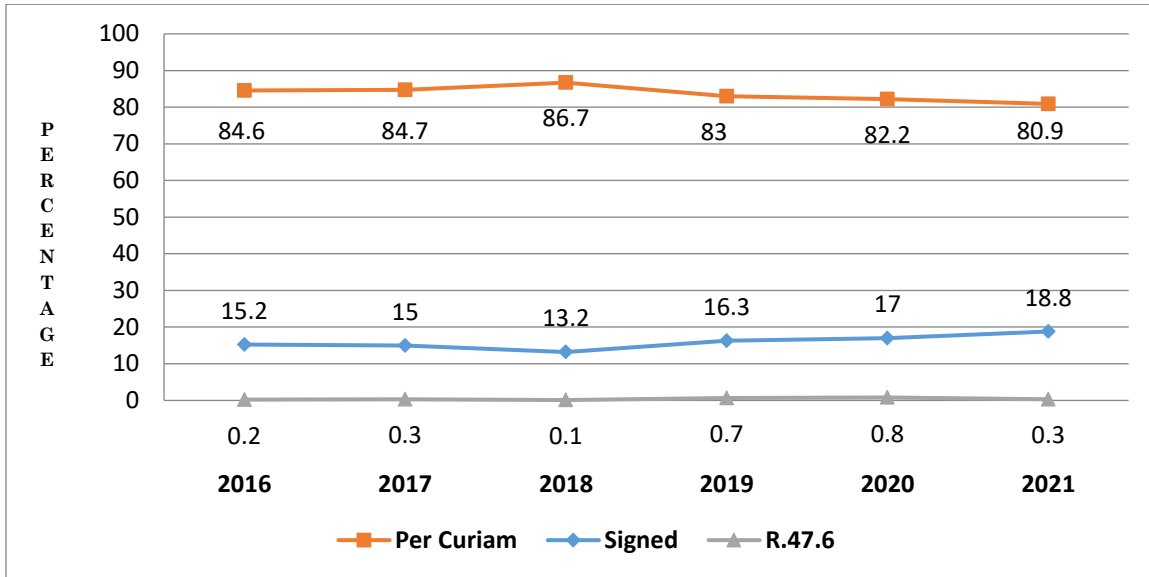
2. Types of Opinions

Signed opinions increased by 0.6% this year and per curiam opinions decreased by 11.9%.

Table 18 - Types of Opinions

Year	Signed	Per Curiam	Rule 47.6	Total
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%
2020	17.0%	82.2%	0.8%	100.0%
2021	18.8%	80.9%	0.3%	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 99 from 1274 to 1175. The percentage of signed opinions on the summary calendar decreased by 0.8% and per curiam opinions increased by 1.7%.

Table 20 - Summary Calendar Opinions

Year	Signed	Per Curiam	Rule 47.6	Total
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%
2020	1.8%	96.9%	1.3%	100.0%
2021	1.0%	98.6%	0.4%	100.0%

(b) Oral Argument Calendar

Signed opinions on the oral argument calendar increased this year by 2.2%. Per curiam opinions decreased by 2.1%.

Table 21 - Oral Argument Opinions

Year	Signed	Per Curiam	Rule 47.6	Total
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%
2020	44.0%	55.4%	0.6%	100.0%
2021	46.2%	53.3%	0.5%	100.0%

(c) Conference Calendar

There were 365 conference calendar opinions this year compared to 505 last year.

4. Published and Unpublished Opinions

Of the 2554 opinions, 489 (19.1%) were published. The number of published opinions increased by 2 from the preceding year.

(a) Number and Percentage - 2021

Table 22 - Opinion Number and Percentage 2021

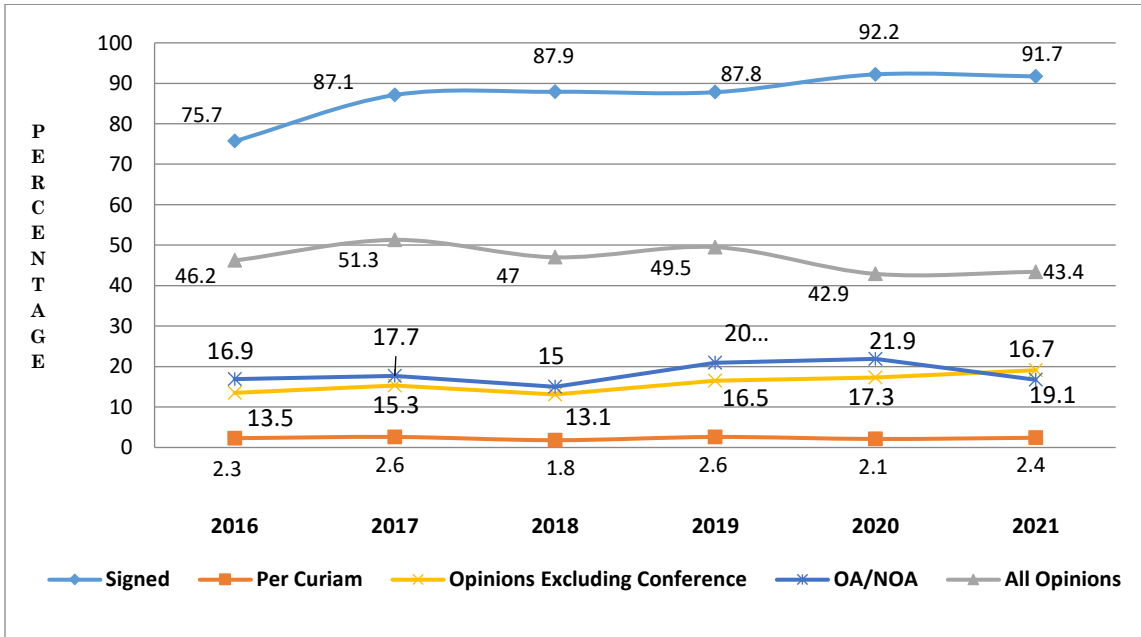
	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	440	91.7	40	8.3	480
Per Curiam Opinions	49	2.4	2016	97.6	2065
Rule 47.6 Opinions	0	0.0	9	100.0	9
Total	489	19.1	2065	80.9	2554

(b) Percentage Comparison (Published) - 2016 - 2021

Table 23 - Published Opinion Percentage

	% Published					
	2016	2017	2018	2019	2020	2021
Signed Opinions	75.7	87.1	87.9	87.8	92.2	91.7
Per Curiam Opinions	2.3	2.6	1.8	2.6	2.1	2.4
Opinions Excluding Conference Calendar	16.9	17.7	15.0	20.9	21.9	16.7
Oral Argument/No Oral Argument	46.2	51.3	47.0	49.5	42.9	43.4
All Opinions	13.5	15.3	13.1	16.5	17.3	19.1

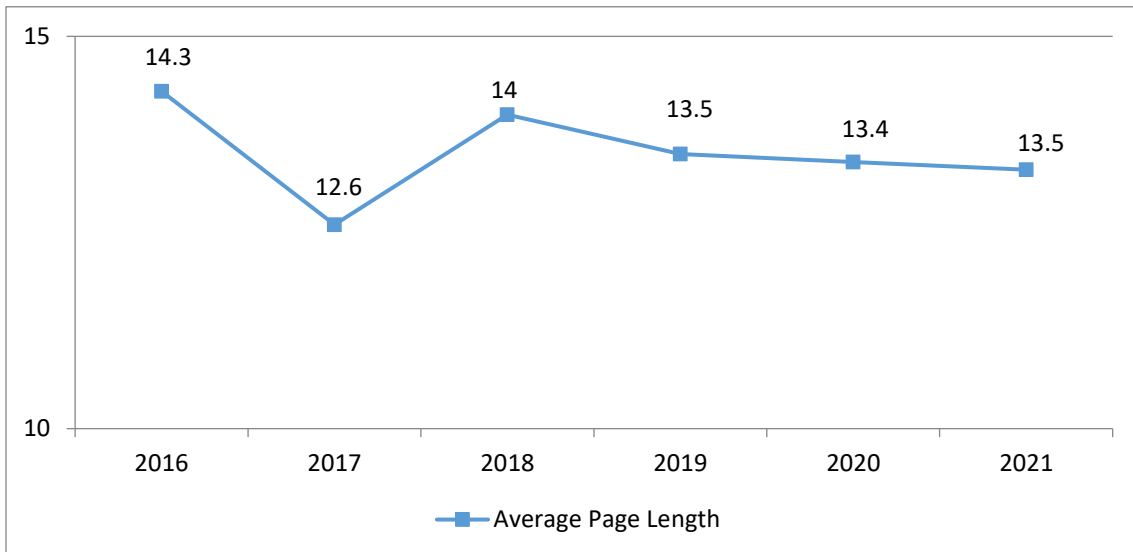
Table 24 - Published Opinion Percentage Comparison by Graph



(c) Length of Published Opinions

The average page length of opinions is up 0.7% from 2020.

Table 25 - Length of Published Opinions by Graph



5. Reversal Rate

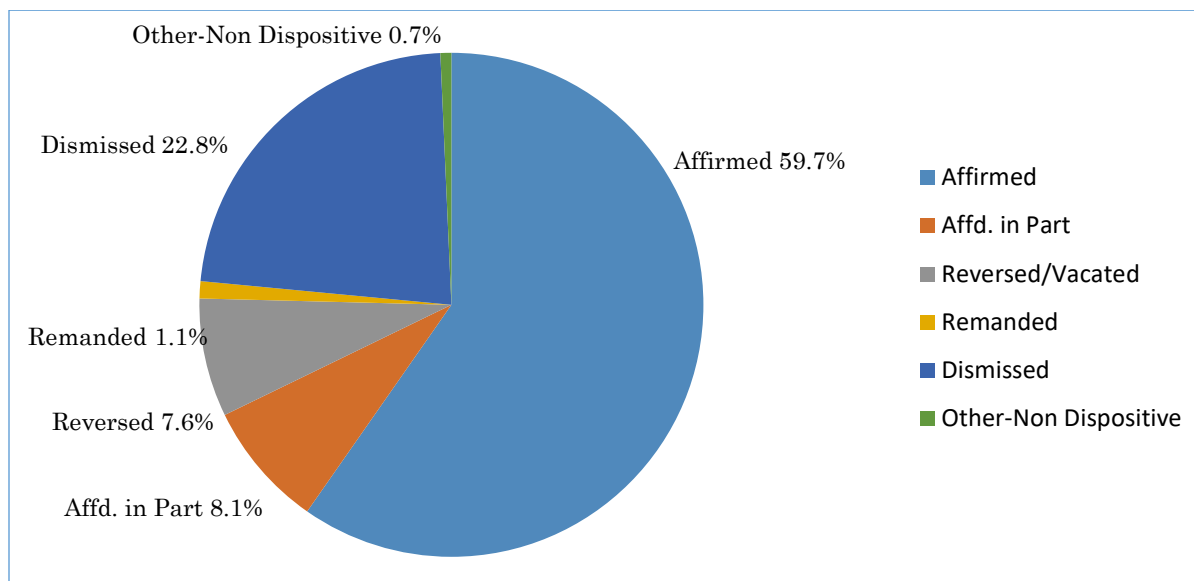
The 2021 reversed/vacated rate of 7.6% is higher than the 2020 reversed/vacated rate of 6.8%.

Table 26 - Reversal Rate

	2021								2020
	Summary		Hearing		Conference Calendar		Overall		Overall
	No.	%	No.	%	No.	%	No.	%	%
Affirmed	935	79.5	589	58.1	0	-0.1	1524	59.7	59.5
Affd. In Part	96	8.2	112	11.0	0	0.0	208	8.1	6.5
Dismissed	110	9.4	109	10.7	363	99.5	582	22.8	25.7
Remanded	8	0.7	18	1.8	1	0.3	27	1.1	1.2
Transferred	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Reversed/Vacated*	26	2.2	168	16.6	0	0.0	194	7.6	6.8
Other-Non Dispositive	0	0.0	18	1.8	1	0.3	19	0.7	0.3
Total	1175	100.0	1014	100.0	365	100.0	2554	100.0	100.0

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

Table 27 - 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, 2020, through June 30, 2021 decreased from the previous year.

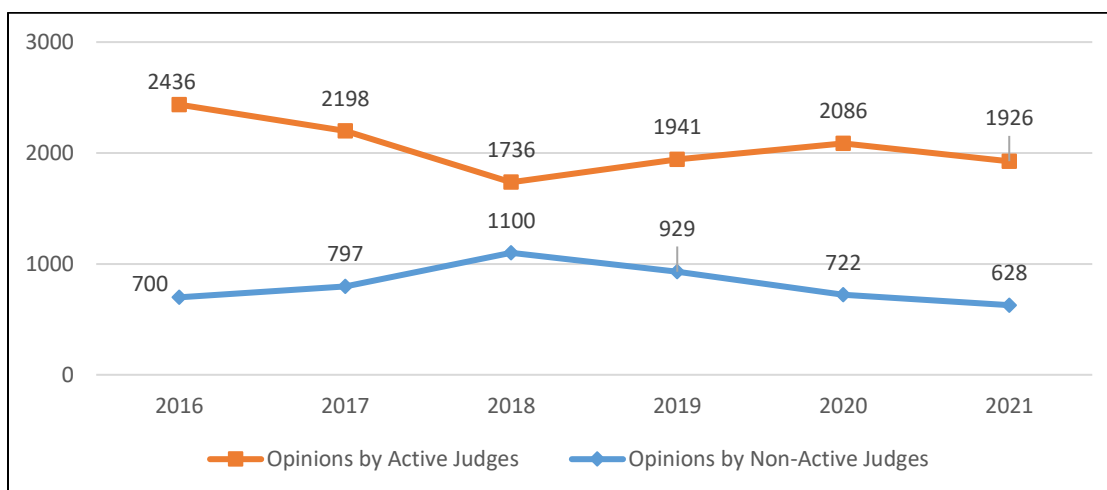
2. Opinion Output - Overall - 2016 - 2021

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

Table 28 - Opinion Output

Year	(a)* Opinions by Active Judges	(b)* Opinions by Non-Active Judges	(c) Total Opinion Output	(d) Opinions per Active Judge
2016¹	2436	700	3136	163
2017²	2198	797	2995	157
2018³	1736	1100	2836	139
2019⁴	1941	929	2870	130
2020⁵	2086	722	2808	130
2021⁶	1926	628	2554	114

Table 29 - Opinion Output - Active & Non-Active Judges



¹ In 2016, there were 15 active judges, 6 non-active judges and 7 visiting judges.

² In 2017, there were 14 active judges, 7 non-active judges and 2 visiting judges.

³ In 2018, there were 16 active judges, 9 non-active judges and 2 visiting judges.

⁴ In 2019, there were 16 active judges, 9 non-active judges and 2 visiting judges.

⁵ In 2020, there were 16 active judges, 9 non-active judges and 2 visiting judges.

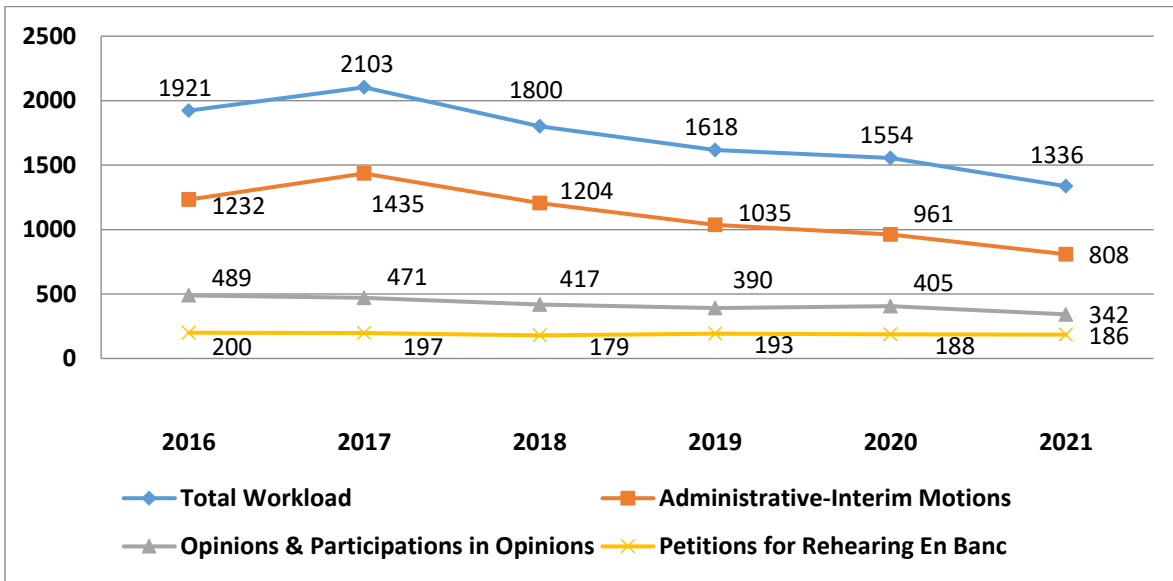
⁶ In 2021, there were 17 active judges, 8 non-active judges and 2 visiting judges.

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, jurisdiction calendar 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 218 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 30 - Overall Workload Per Active Judge						
	2016	2017	2018	2019	2020	2021
Opinions and Participations in Opinions*	489	471	417	390	405	342
Petitions for Rehearing En Banc	200	197	179	193	188	186
Administrative-Interim Motions	1232	1435	1204	1035	961	808
Total Workload	1921	2103	1800	1618	1554	1336

Table 31 - 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 a decrease in percentage of cases sent to the oral argument calendar.

Table 32 - Screening Classifications

CLASS								
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total	
	No.	%	No.	%	No.	%	No.	%
2016	2183 ¹	73.2	798	26.8	0	0.0	2981 ¹	100.0
2017	2076 ²	71.9	810	28.1	1	0.0	2887 ²	100.0
2018	1954 ³	71.6	772	28.3	3	0.1	2729 ³	100.0
2019	1827 ⁴	67.2	889	32.7	4	0.1	2720 ⁴	100.0
2020	1759 ⁵	68.1	820	31.8	3	0.1	2582 ⁵	100.00
2021	1539 ⁶	66.3	781	33.6	1	0.1	2321 ⁶	100.00
Total	11,338 ⁷	69.9	4,870	30.0	12	0.1	16,220 ⁷	100.0

Argument was held in 50.9% of the 782 cases designated as Class III and IV.

¹ Includes 647 conference calendar opinions.

² Includes 421 conference calendar opinions.

³ Includes 360 conference calendar opinions.

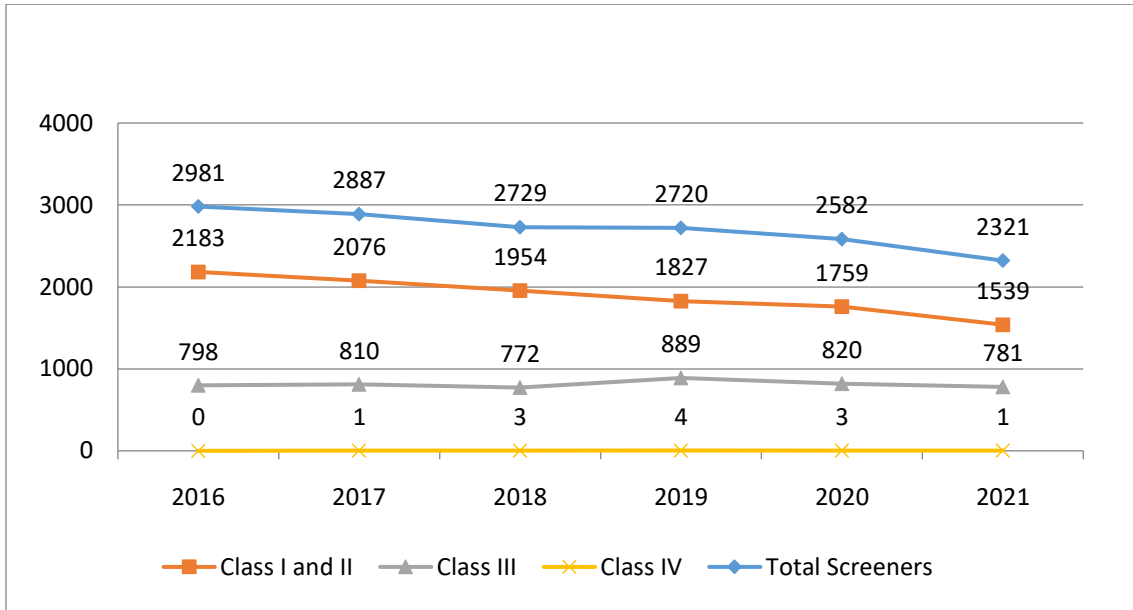
⁴ Includes 610 conference calendar opinions.

⁵ Includes 505 conference calendar opinions.

⁶ Includes 365 conference calendar opinions.

⁷ Includes 2908 conference calendar opinions.

Table 33 - 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 34 - Summary Calendar Percentage by Case Type

Case Type	Summary Calendar Percentage (%)					
	2016	2017	2018	2019	2020	2021
CRIMINAL DIRECT	88.0	84.3	86.5	85.2	86.1	88.2
CRIMINAL NON-DIRECT	91.7	91.6	96.2	85.3	82.3	78.1

	Summary Calendar Percentage (%)					
Case Type	2016	2017	2018	2019	2020	2021
PRISONER CASES						
W/cnsl	35.0	25.0	34.6	37.0	11.8	27.8
W/O cnsl	86.3	89.5	87.0	76.7	69.3	72.7
2255						
W/cnsl	0.0	25.0	16.7	31.3	37.9	57.9
W/O cnsl	36.4	61.5	91.7	60.0	70.0	66.7
CIVIL						
Diversity	39.8	41.0	30.4	33.0	41.1	24.0
Federal Question	28.5	27.7	27.4	29.1	25.7	21.0
U.S. Civil	42.1	29.5	30.2	25.6	41.5	32.4
Tax	0.0	50.0	0.0	33.3	0.0	16.7
Bankruptcy	24.4	37.1	28.1	22.6	29.8	27.8
Civil Rights	46.0	37.6	40.1	38.0	34.5	36.2
BIA	84.6	81.9	85.8	79.6	68.7	78.2
Tax Court	33.3	33.3	33.3	75.0	46.7	50.0
Other Agency	15.2	30.8	10.0	22.2	19.0	20.8
Social Security	81.0	81.8	37.5	75.0	100.00	50.0
Mandamus	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	73.2	72.0	71.6	67.2	68.1	66.3

H. EN BANC PETITIONS AND REHEARINGS

The court had 22 petitions for en banc rehearing pending at the beginning of the court year and received 179 petitions for en banc rehearing during this court year, 19 fewer than the prior year (198). Parties requested en banc rehearing in 7.0% of the cases with opinions. The court acted upon 186 petitions for en banc rehearing and 15 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 175 cases, 11 of which were after a poll. The court granted eight petitions for rehearing en banc by the parties. In two other cases, the court sua sponte granted en banc rehearing. One petition for rehearing en banc was disposed of by other means. See **Enclosure D**, page 31.

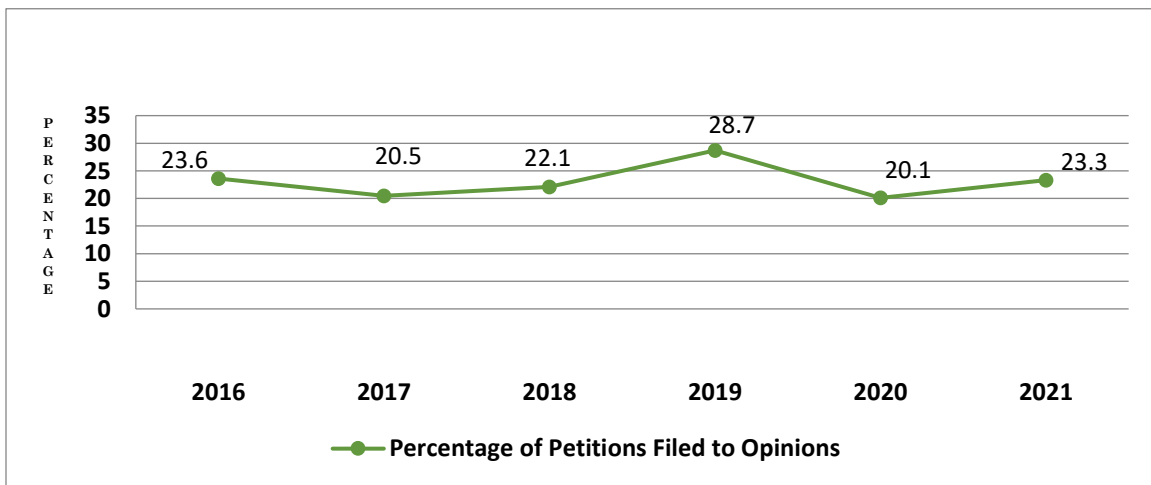
I. PETITIONS FOR CERTIORARI

The number of petitions filed is as follows:

Table 35 - Petitions for Certiorari

Petitions Filed	2016	2017	2018	2019	2020	2021
Criminal	440	349	304	259	251	324
U.S. Civil	56	59	67	83	75	68
Private Civil	238	194	244	282	227	180
Administrative Appeals	5	12	11	10	11	23
TOTAL	739	614	626	634	564	595
Opinions Rendered	3136	2995	2836	2870	2808	2554
% of Petitions filed to Opinions	23.6	20.5	22.1	28.7	20.1	23.3

Table 36 - Petitions for Certiorari by Graph



The Supreme Court took action on 590 cases from our Court compared with 594 last year. The Court granted 41 petitions, 22 more than last year, or 6.9% of the total. (For additional information, see **Enclosure E**, page 32.)

J. ADMINISTRATIVE-INTERIM MOTIONS

The administrative-interim motions increased to 3606 from 3383 last year, to an average of 212 initiating actions per active judge. When panel matters are considered, each judge acted on 808 such motions, down from 961 last year. See **Enclosure F**, page 33, for other details.

Table of New Appeals Docketed by Case Type as of 6/30/2021

CASE TYPE	(a)	(b)		(c)	(d)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
	MO. % 2020-2021	CUMULATIVE % 19-20	CUMULATIVE % 20-21	2019 2020	2020 2021												
CRIMINAL CASES	33.16%	29.59%	31.29%	1,951	1,987	163	156	181	135	135	140	104	172	209	221	180	191
PRISONER CASES																	
w/counsel	1.04%	2.38%	2.20%	157	140	17	10	17	15	14	9	7	14	13	12	6	6
w/o counsel	27.43%	22.00%	22.25%	1,451	1,413	114	98	104	111	114	111	98	101	150	136	118	158
Succ Habeas	4.69%	8.70%	5.04%	574	320	23	38	28	31	19	29	21	25	40	27	12	27
Non-Pd Mandamus	3.13%	1.84%	2.06%	121	131	15	11	13	10	9	5	12	9	10	12	7	18
SUB-TOTAL	69.44%	64.51%	62.84%	4,254	3,991	332	313	343	302	291	294	242	321	422	408	323	400
CIVIL																	
Private Civil	10.24%	11.68%	10.88%	770	691	38	60	56	63	56	73	49	51	57	72	57	59
Diversity	4.86%	5.82%	5.50%	384	349	17	19	20	37	31	52	20	28	26	35	36	28
Fed. Quest.	5.38%	5.85%	5.38%	386	342	21	41	36	26	25	21	29	23	31	37	21	31
U.S. CIVIL	1.74%	1.30%	1.59%	86	101	16	3	8	6	6	8	5	9	12	11	7	10
Tax	0.17%	0.09%	0.16%	6	10	0	0	1	0	1	1	0	2	1	2	1	1
Tax Court	0.00%	0.23%	0.16%	15	10	0	2	0	1	2	0	1	1	1	1	1	0
Bankruptcy	0.87%	1.15%	1.35%	76	86	8	9	1	6	16	4	7	7	7	9	7	5
BIA	7.64%	9.49%	12.94%	626	822	93	80	62	76	86	87	39	65	64	71	55	44
Other Agency	0.35%	0.58%	0.85%	38	54	7	4	4	3	6	4	3	5	5	8	3	2
Civil Rights	7.29%	9.40%	7.38%	620	469	74	51	48	34	25	22	33	41	52	46	45	42
Soc. Security	0.17%	0.32%	0.50%	21	32	3	3	3	3	7	2	2	0	4	0	4	1
Mandamus	0.52%	0.45%	0.44%	30	28	7	0	1	1	1	2	2	3	4	2	2	3
Miscellaneous	1.56%	0.79%	0.90%	52	57	3	6	1	5	4	5	5	3	5	7	4	9
SUB-TOTAL	30.56%	35.49%	37.16%	2,340	2,360	205	218	185	198	210	208	146	187	212	229	186	176
TOTAL APPEALS	100.00%	100.00%	100.00%	6,594	6,351	537	531	528	500	501	522	388	508	634	637	509	576

Legend:

- Col: (a): Monthly Percentage Make-Up of the New Filings
- (b): The Cumulative Percentage for the corresponding months in 19-20 compared with 20-21
- (c): The Cumulative Total Filings for the corresponding months in 19-20
- (d): The Cumulative Total for 20-21

WORKLOAD PER ACTIVE JUDGE

I.	SUMMARY CALENDAR CASES*			
	(a) Opinions or dispositions as initiating judge	47		
	(b) Participations in opinions or dispositions of other panel members		94	
	(c) Sub-total summary calendar cases			141
II.	CONFERENCE CALENDAR CASES*			
	(a) Opinions or dispositions as initiating judge	18		
	(b) Participations in opinions or dispositions of other panel members		36	
	(c) Sub-total conference calendar cases			54
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))*	114		
V.	TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b), III (b))*		228	
VI.	TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c), III (c))*			342
VII.	PETITIONS FOR REHEARING EN BANC			186
VIII.	ADMINISTRATIVE-INTERIM MATTERS			
	(a) Single Judge Matters	133		
	(b) Participation in panel matters as initiating judge	225		
	(c) Participation in panel matters of other panel members		450	
	(d) Sub-total administrative - interim matters			808
IX.	TOTAL MATTERS PARTICIPATED IN PER JUDGE			1336

* 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, 2020 to June 30, 2021

<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	349	547	120	0	1016	88.2
CRIMINAL NON-DIRECT	22	92	32	0	146	78.1
PRISONER CASES						
HC-W	0	4	11	0	15	26.7
HC-W/O	3	22	5	0	30	83.3
1983-W	0	4	12	0	16	25.0
1983-W/O	5	58	26	0	89	70.8
O. Pris.-W	0	2	4	0	6	33.3
O. Pris. W/O	1	14	7	0	22	68.2
2255-W	1	10	8	0	19	57.9
2255-W/O	1	7	4	0	12	66.7
CIVIL						
Diversity	2	41	136	0	179	24.0
Fed. Question	5	30	132	0	167	21.0
U.S. Civil	1	10	23	0	34	32.4
Tax	0	1	5	0	6	16.7
Bankruptcy	1	4	13	0	18	27.8
Civ. Rights	2	90	161	1	254	36.2
BIA	0	197	55	0	252	78.2
Tax Court	0	2	2	0	4	50.0
Other Agency	0	5	19	0	24	20.8
Social Security	0	6	6	0	12	50.0
Mandamus	0	0	0	0	0	0.0
TOTAL*	393	1146	781	1	2321	66.3

*Includes 365 Conference Calendar Cases.

PETITIONS FOR REHEARING EN BANC AND EN BANC GRANTED

<u>7/1/2020 - 6/30/2021</u>		TOTAL
TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR		22
Petitions for Rehearing En Banc FILED this Year		179
Petitions for Rehearing En Banc DENIED		175
With Poll	11	
Without Poll	164	
En Banc GRANTED		10
On Petition With Oral Argument	7	
On Petition Without Oral Argument	1	
Sua Sponte En Banc With Oral Argument	2	
Sua Sponte En Banc Without Oral Argument	0	
Disposed of by Other Means	0	1
TOTAL PENDING AS OF 6/30/2021		15

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

SUMMARY

PERIOD: JULY 1, 2020 - JUNE 30, 2021

TYPE	PENDING 6/30/2020	NUMBER FILED	TYPE OF DISPOSITION				PENDING 6/30/2021
			GRANTED	DENIED	DISMISSED	REMOVED	
TOTAL	65	595	37	540	4	1	78
CRIM	27	324	17	304	0	0	30
USC	11	68	4	66	0	0	9
PRIV. CIV.	26	180	10	157	4	1	34
ADM*	1	23	6	13	0	0	5

*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 2021)

Motion to or for:	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	TOTALS
Dismiss	43	23	29	33	32	36	27	23	34	36	27	46	389
Reinstate Appeal	1	1	3	0	1	2	1	2	2	3	1	7	24
Appointment of Counsel	8	6	2	11	7	7	5	6	8	9	7	9	85
Expedite Hearing, for Continuance, or Special Assignment	1	2	7	2	1	1	3	3	0	2	0	0	22
Stay or for Injunction and/or Supersedeas Pending Appeal	25	24	19	28	17	16	13	16	15	16	11	17	217
Supplement the Record	3	4	16	7	8	6	2	0	4	6	1	5	62
Strike Briefs, Designations for Printing, etc	4	3	0	1	1	3	1	1	0	2	1	2	19
Excess Pages in Brief	0	0	0	1	0	0	2	0	0	4	2	0	9
Bail Pending Appeal	1	1	2	0	1	1	1	1	1	2	2	0	13
Interlocutory Appeal (Sec. 1292(b))	0	0	4	1	6	1	3	1	3	6	1	4	30
Jurisdiction	22	31	38	45	18	46	39	8	51	18	27	13	356
Withdraw as Counsel	10	5	3	7	3	4	4	5	9	7	30	23	110
Extensions of Time	21	18	20	18	36	26	23	13	30	29	19	33	286
Certificate of Appealability/Additional COA Issues	38	29	33	37	48	27	35	48	59	39	43	45	481
Leave to Appeal In Forma Pauperis	20	20	23	20	30	20	26	16	26	26	21	22	270
Issuance of COA and Leave to Appeal In Forma Pauperis	10	11	10	14	8	3	6	14	19	20	13	8	136
Mandamus or Prohibition	17	5	9	6	1	4	5	15	8	8	4	8	90
Successive Petitions	29	26	20	22	26	26	13	18	25	29	17	19	270
Miscellaneous Motions	77	62	45	63	47	52	59	44	63	77	68	80	737
TOTALS	330	271	283	316	291	281	268	234	357	339	295	341	3,606