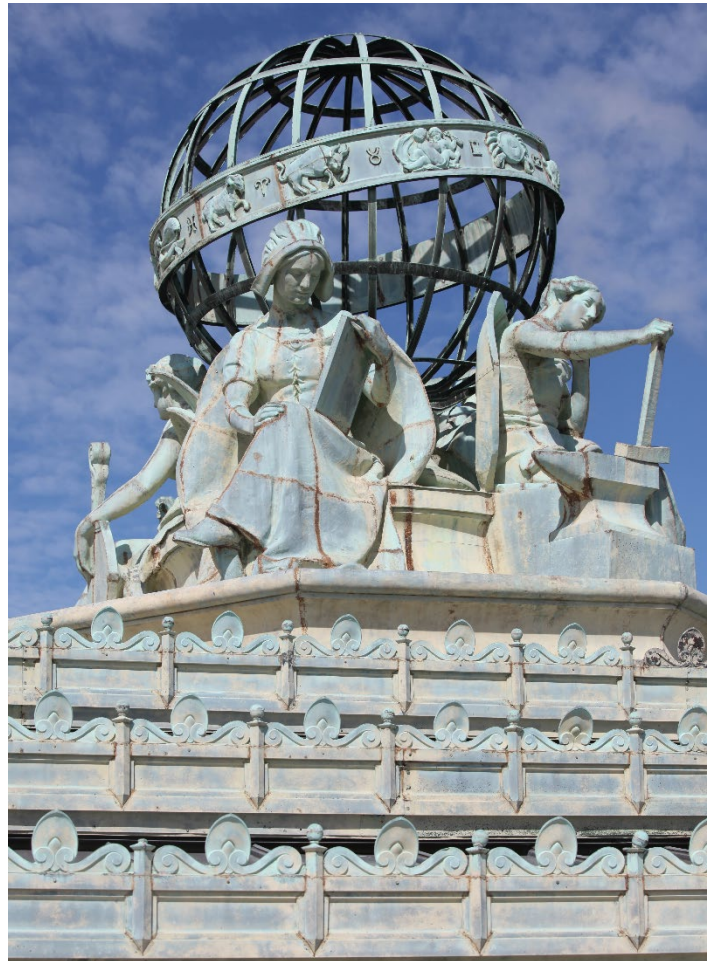


JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2023 - JUNE 2024

## 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, 2023, through June 30, 2024.

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.

A handwritten signature in dark ink, reading "Lyle W. Cayce". The signature is written in a cursive, slightly slanted style.

LYLE W. CAYCE  
CLERK

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## **SUMMARY OF ANNUAL REPORT**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>New Appeals</b>	7164	6594	6351	6060	5740	5397
<b>Terminations</b>	7377	6504	6513	6833	5988	5572
By Judges	4636	4192	4046	4431	3961	3475
By Clerk	1867	1481	1727	1600	1351	1336
By Consolidation	874	831	740	802	676	761
<b>Pending Appeals</b>	4633	4723	4563	3787	3541	3366
<b>Total Cases Screened for Decision as to Oral Argument</b>	2707	2564	2309	2854	2619	2243
<b>Cases Sent to:</b>						
Summary Calendar	1221	1254	1174	2052	1813	1501
Conference Calendar*	606	505	365	-	-	-
Oral Argument Calendar	893	823	782	830	807	742
Summary Calendar Rate	57.8%	60.4%	60.0%	71.2%	69.2%	66.9%
Conference & Summary Calendar Rate*	67.2%	68.1%	66.3%	-	-	-
<b>Cases Ready for Argument</b>	153	146	67	53	117	73
<b>Cases Pending Under Submission</b>	187	226	214	223	232	240
90-day Cases	70	105	107	119	118	135
<b>Total Opinions</b>	2871	2808	2554	3116	2787	2509
Published Opinions	476	487	489	474	404	453
Unpublished Opinions	2395	2321	2065	2642	2383	2056
Opinions per Active Judge	130	130	114	140	131	108
Publication Rate	16.5%	17.3%	19.1%	15.2%	14.5%	18.1%
Average Page Length of Published Opinions	13.8	13.4	13.5	13.1	14.0	17.0
<b>Participations per Active Judge in Opinions</b>	390	405	342	420	393	324
<b>En Banc Cases</b>	6	8	10	4	9	9
<b>Motions per Active Judge</b>	1035	961	808	796	649	609

\*Conference Calendar was Discontinued June 30, 2021

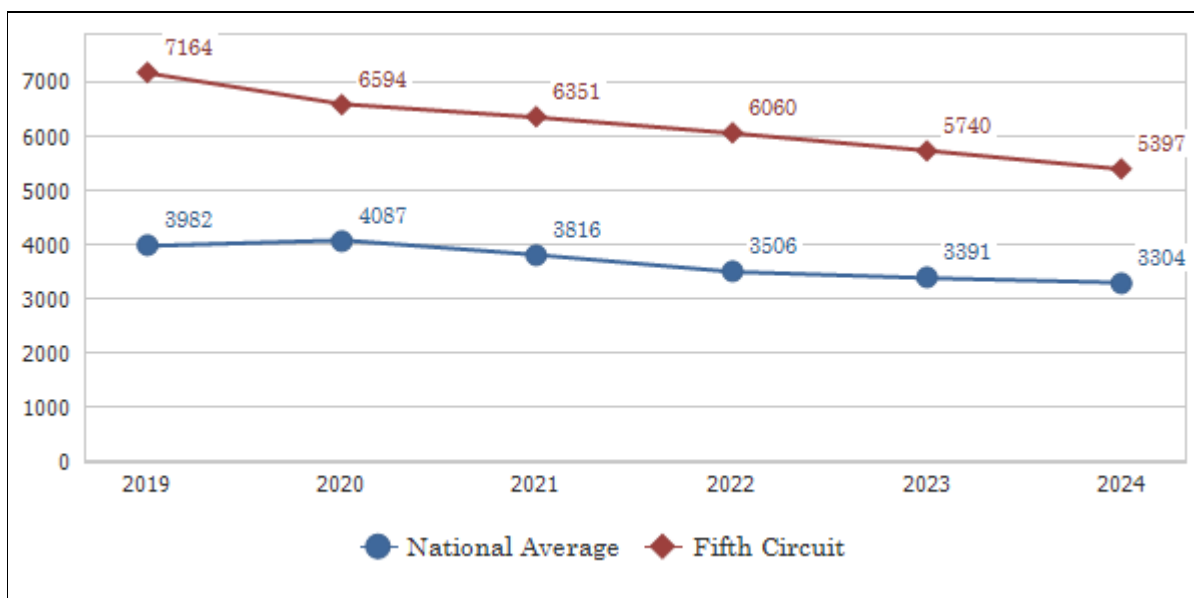


## **A. NEW FILINGS**

### **1. New Appeals Filed**

The chart below shows the “new appeals” filing trends in comparison to the national average filing trends. We experienced a 343 appeal decrease (6.0%), from 5,740 to 5,397 appeals. Agency appeals increased by 26 (29.2%) and Civil Rights appeals increased by 23 (3.8%). Prisoner appeals decreased by 229 (17.9%). Successive Habeas Corpus petitions decreased by 67 (22.5%). Diversity appeals decreased by 59 (14.3%).

**Table 1 - New Appeals Filed**



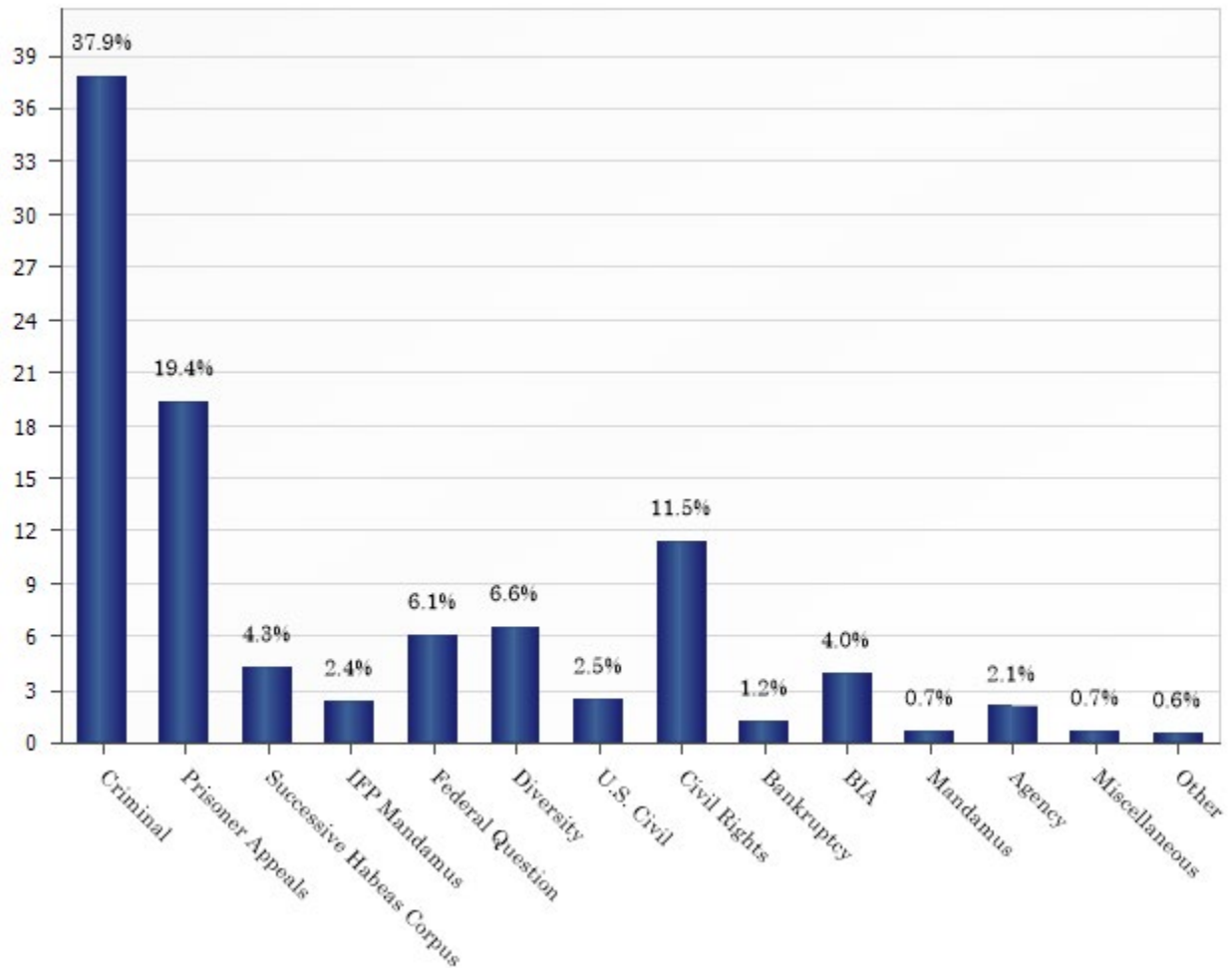
### **2. Source of New Appeals by Type**

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2024 data. (See also column (d) of the monthly cumulative report of new appeals by type at **Enclosure A**, page 33).

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

TYPE	YEAR						Change from Prior Year	
	2019	2020	2021	2022	2023	2024	No.	%
Criminal	2192	1951	1987	2135	2025	2044	+19	+0.9
Prisoner Appeals	1976	1608	1553	1484	1277	1048	-229	-17.9
Successive Habeas Corpus	503	574	320	280	298	231	-67	-22.5
IFP Mandamus	138	121	131	107	109	130	+21	+19.3
Federal Question	601	386	342	328	359	329	-30	-8.4
Diversity	345	384	349	387	413	354	-59	-14.3
U.S. Civil	119	86	101	171	124	135	+11	+8.9
Tax	13	6	10	14	6	5	-1	-16.7
Tax Court	16	15	10	5	8	8	0	0
Civil Rights	613	620	469	497	600	623	+23	+3.8
Bankruptcy	74	76	86	66	57	66	+9	+15.8
Social Security	16	21	32	18	25	20	-5	-20.0
BIA	442	626	822	402	262	215	-47	-17.9
Mandamus	29	30	28	31	41	36	-5	-12.2
Agency	47	38	54	73	89	115	+26	+29.2
Miscellaneous	40	52	57	62	47	38	-9	-19.1
	<b>7164</b>	<b>6594</b>	<b>6351</b>	<b>6060</b>	<b>5740</b>	<b>5397</b>	<b>-343</b>	<b>-6.0</b>

**Table 3 - 2024 New Appeals by Case Type**



Our biggest increase in filings was in Agency and Civil Rights appeals. Prisoner Appeals, Successive Habeas Corpus, and Diversity dropped significantly.

### **3. New Appeals**

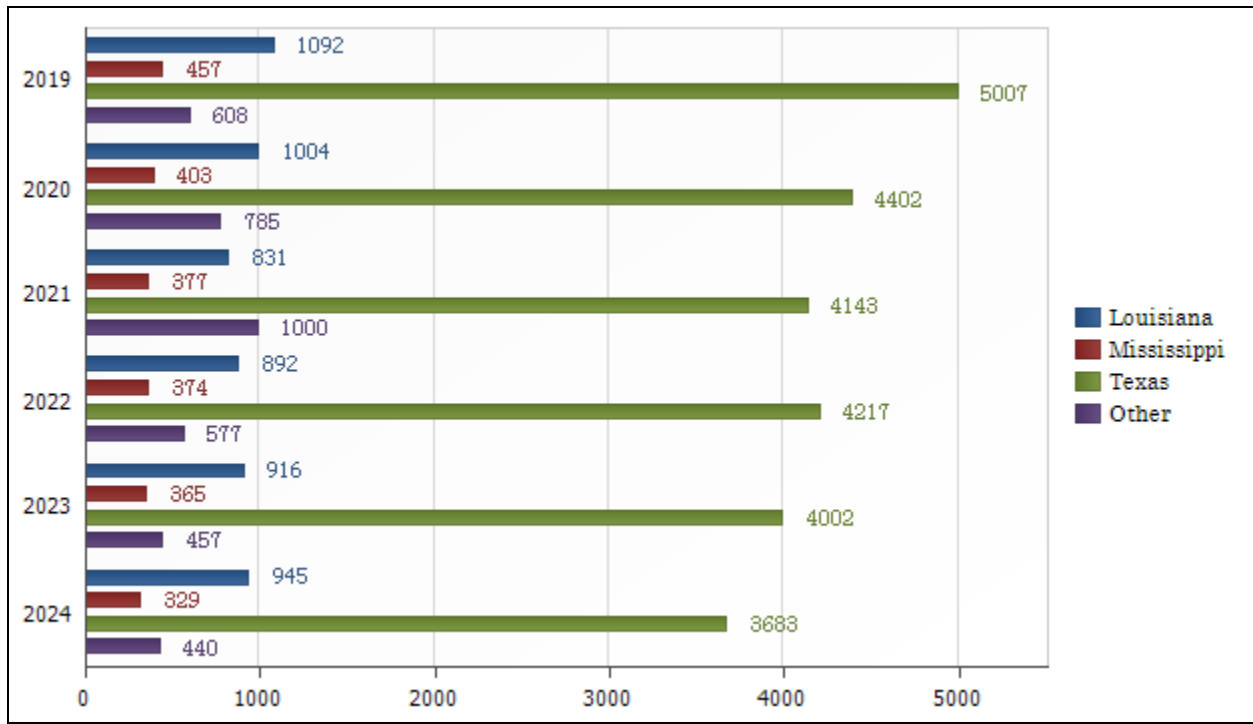
Louisiana Western showed the largest increase in appeals filed. Texas Northern decreased the most. Other appeals (Agency, Bankruptcy, U.S. Tax Court, BIA, and Mandamus) decreased by 17 cases.

**Table 4 - New Appeals by Source**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>Change from Prior Year</b>
Louisiana Eastern	537	408	385	347	472	412	-60
Louisiana Middle	153	195	145	127	133	154	+21
Louisiana Western	402	401	301	418	311	379	+68
<b>Subtotal</b>	<b>1092</b>	<b>1004</b>	<b>831</b>	<b>892</b>	<b>916</b>	<b>945</b>	<b>+29</b>
Mississippi Northern	129	123	119	107	99	92	-7
Mississippi Southern	328	280	258	267	266	237	-29
<b>Subtotal</b>	<b>457</b>	<b>403</b>	<b>377</b>	<b>374</b>	<b>365</b>	<b>329</b>	<b>-36</b>
Texas Northern	1654	1416	1311	1335	1338	1211	-127
Texas Southern	1532	1293	1166	1196	1175	1059	-116
Texas Eastern	605	509	526	406	414	402	-12
Texas Western	1216	1184	1140	1280	1075	1011	-64
<b>Subtotal</b>	<b>5007</b>	<b>4402</b>	<b>4143</b>	<b>4217</b>	<b>4002</b>	<b>3683</b>	<b>-319</b>
Agency	47	38	54	73	89	115	+26
Bankruptcy	74	76	86	66	57	66	+9
U.S. Tax Court	16	15	10	5	8	8	0
BIA	442	626	822	402	262	215	-47
Mandamus	29	30	28	31	41	36	-5
<b>Subtotal</b>	<b>608</b>	<b>785</b>	<b>1000</b>	<b>577</b>	<b>457</b>	<b>440</b>	<b>-17</b>
Total	7164	6594	6351	6060	5740	5397	-343

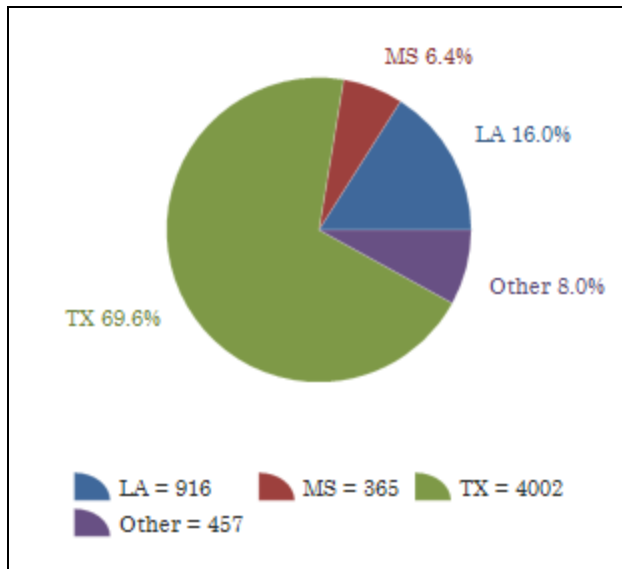
The graph below shows the six year trend of appeals by state.

**Table 5 - New Appeals Trends**

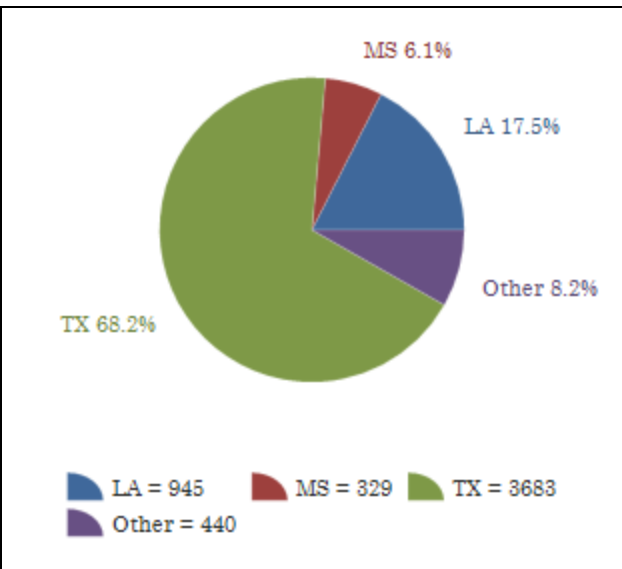


A comparison of the percentage of appeals by states for 2023 and 2024 is shown on the following charts:

**Table 6a - 2023 New Appeals**

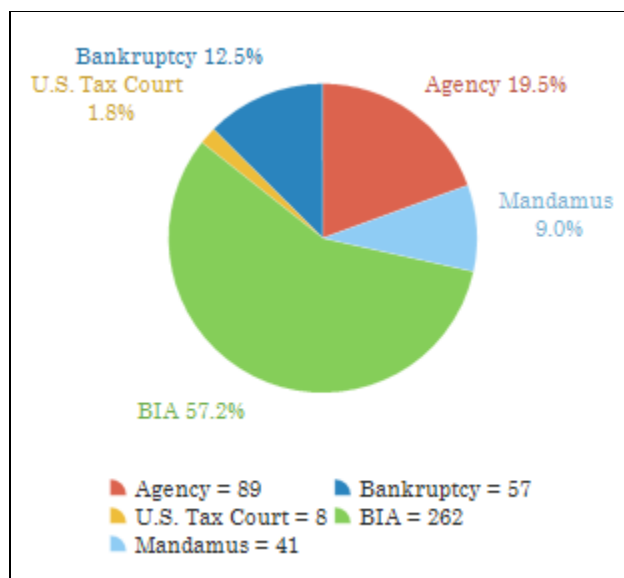


**Table 6b - 2024 New Appeals**

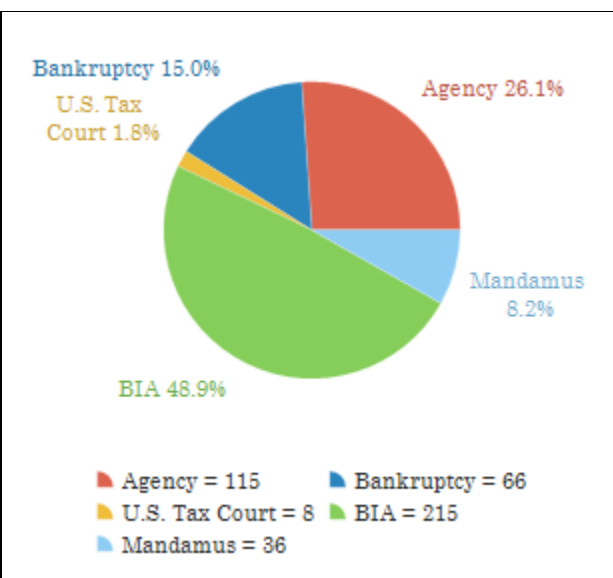


A comparison of the percentage of other appeals by source for 2023 and 2024 is shown on the following charts:

**Table 7a - 2023 New Appeals**



**Table 7b - 2024 New Appeals**



## **B. CLOSED APPEALS**

### **1. Yearly Comparison**

The court disposed of 416 fewer appeals this year, a decrease of 6.9%.

**Table 8 - Appeals and Cases Closed**

	2019	2020	2021	2022	2023	2024	Change from Prior Year	
All Appeals	7377	6504	6513	6833	5988	5572	-416	-6.9%
Cases	6503	5673	5773	6031	5312	4811	-501	-9.4%

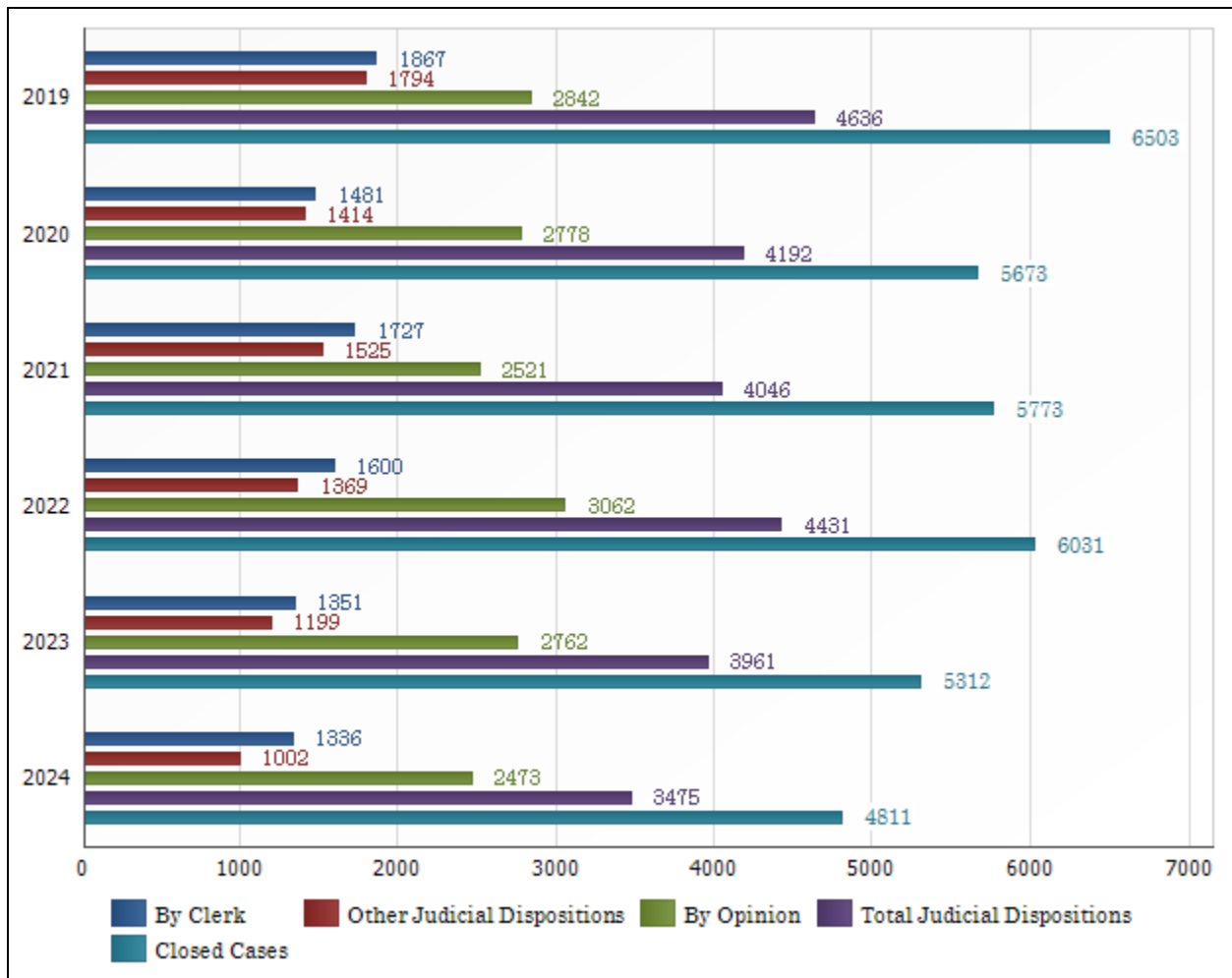
### **2. Method of Disposition**

Overall, the court disposed of 501 fewer cases than last year. There were 289 fewer dispositive opinions, and other judicial dispositions decreased by 197. Clerk dispositions decreased by 15.

**Table 9 - Method of Disposition**

	2019	2020	2021	2022	2023	2024	Change from Prior Year
By Opinion*	2842	2778	2521	3062	2762	2473	-289
Other Judicial Dispositions	1794	1414	1525	1369	1199	1002	-197
Total Judicial Dispositions	4636	4192	4046	4431	3961	3475	-486
By Clerk	1867	1481	1727	1600	1351	1336	-15
Closed Cases	6503	5673	5773	6031	5312	4811	-501

\*Does not include 36 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 5,572 appeals compared to 5,397 filed. There are 3,366 appeals pending compared to 3,541 last year. There are 2,870 cases pending this year compared with 2,915 last year.

**Table 11 - Pending Appeals/Cases**

	2019	2020	2021	2022	2023	2024	Change from Prior Year
All Appeals Pending	4633	4723	4563	3787	3541	3366	-4.9%
Cases	3862	4071	3977	3220	2915	2870	-1.5%

The 2,870 pending cases are characterized as either Cases Under Submission or Unassigned Carry-Over:

#### 1. Cases Under Submission

Excluding 20 cases consolidated for argument and decision, and 22 held in abeyance, and 3 unassigned, the pending cases argued and awaiting decision increased from last year.

**Table 12 - Cases Under Submission**

	2019	2020	2021	2022	2023	2024
Active Judges	167	200	186	198	192	212
Senior Judges	18	26	23	22	40	26
Visiting Judges	2	0	2	0	0	2
Total	187	226	211	220	232	240



## **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, 59 fewer than last year. This leaves 2,603 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>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
<b>Unassigned Cases</b>	3658	3839	3736	2980	2662	2603
<b>New Appeals</b>	7164	6594	6351	6060	5740	5397
<b>% Unassigned Cases to New Appeals</b>	51.1	58.2	58.8	49.2	46.4	48.2

The 2,603 unassigned cases fall into the following categories.

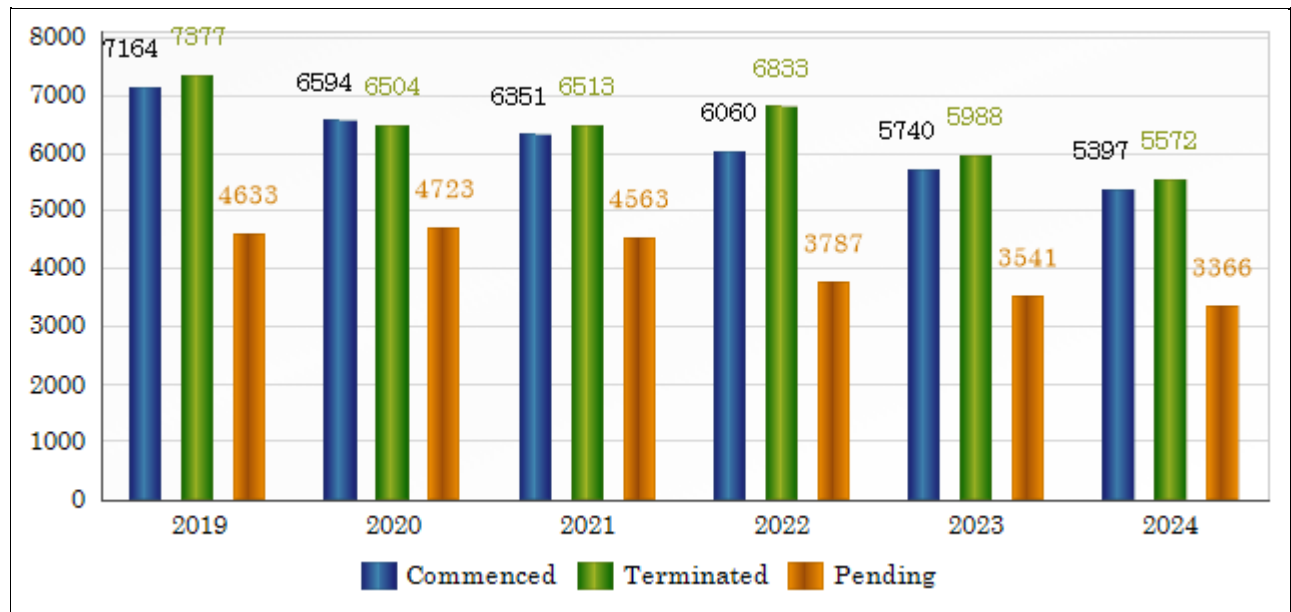
**Table 14 - Unassigned Carry-Over by Category**

<b>Category</b>	<b>2023</b>	<b>2024</b>
(a) Briefed Cases		
Calendared for Oral Argument	138	139
Briefed but Held in Abeyance	39	80
Awaiting Assignment to Oral Argument Calendar	117	73
Awaiting Assignment to Screening Panel	0	0
Being Screened	441	420
Assignment to Panel for Jurisdictional Review	9	7
<b>Subtotal</b>	<b>744</b>	<b>719</b>
(b) Unbriefed Cases		
Pre-Briefing	691	676
Records Due	146	214
Being Briefed	933	837
Stayed/Held in Abeyance	65	76
Awaiting DC Action*	83	81
<b>Subtotal</b>	<b>1918</b>	<b>1884</b>
<b>Total</b>	<b>2662</b>	<b>2603</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**

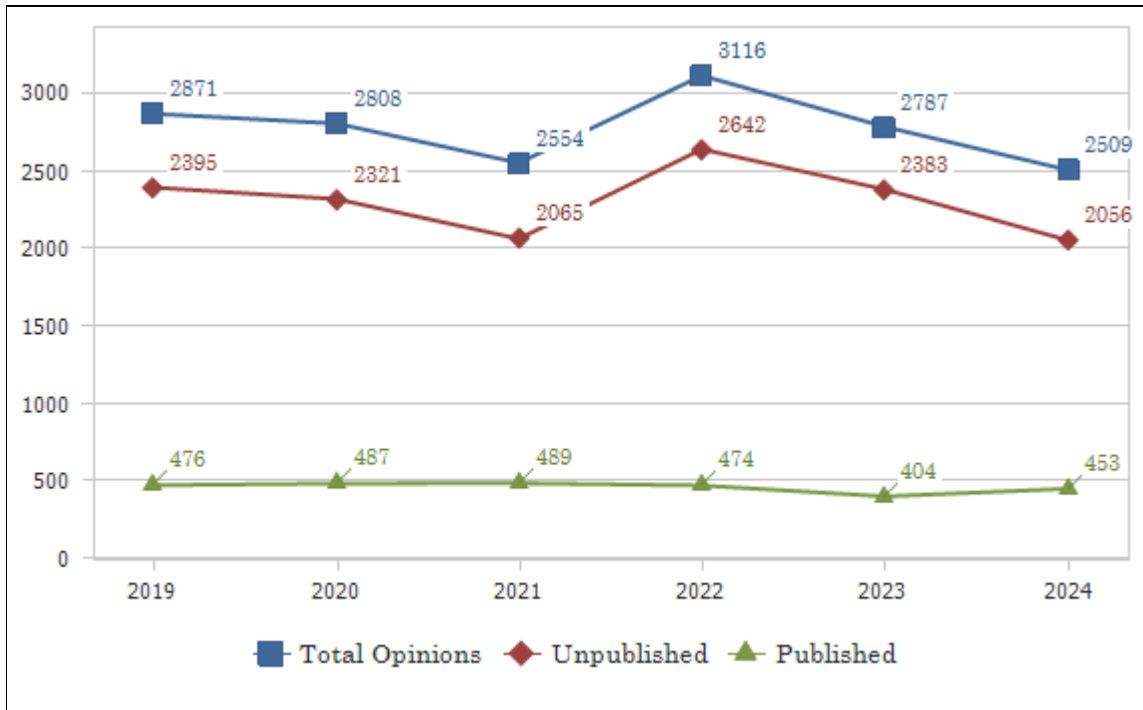
##### **1. Number of Opinions, Published and Unpublished**

The total number of opinions decreased by 278. Total opinions, including the numbers published and unpublished for the last six years are:

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

	2019	2020	2021	2022	2023	2024
Total Opinions	2871	2808	2554	3116	2787	2509
Published	476	487	489	474	404	453
Unpublished	2395	2321	2065	2642	2383	2056

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



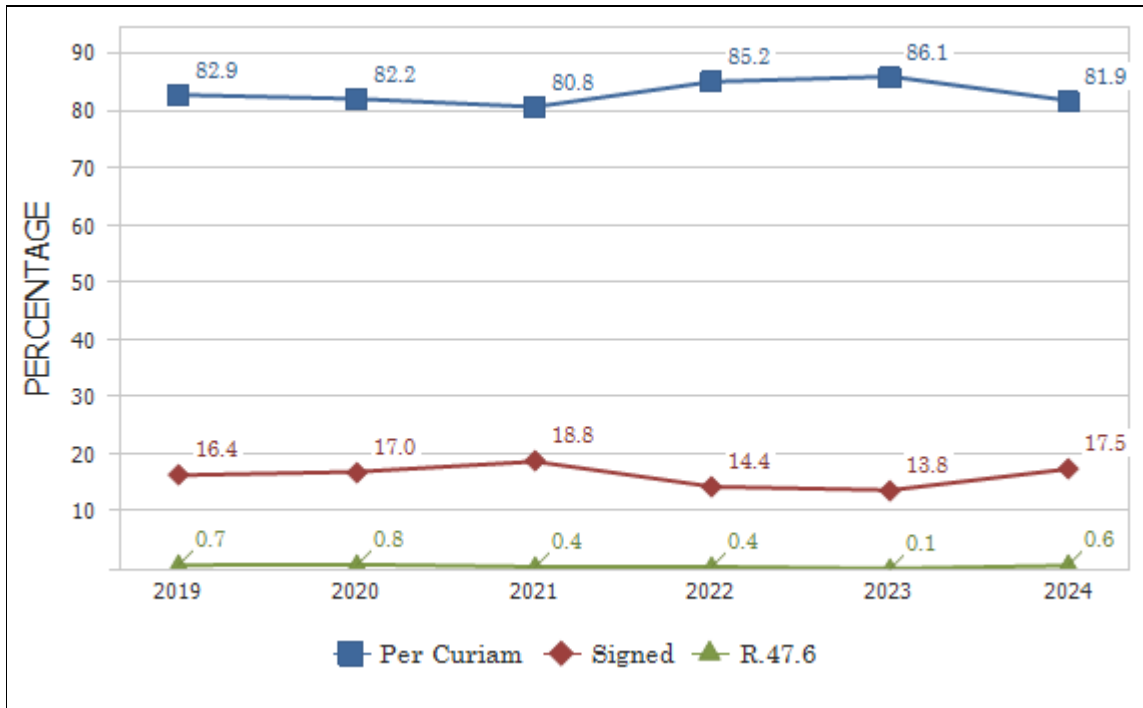
## 2. Types of Opinions

Of the 278 fewer opinions, the following chart shows the percentage change by type of opinion.

**Table 18 - Types of Opinions**

	2019	2020	2021	2022	2023	2024
Signed Opinions	16.4%	17.0%	18.8%	14.4%	13.8%	17.5%
Per Curiam Opinions	82.9%	82.2%	80.8%	85.2%	86.1%	81.9%
Rule 47.6 Opinions	0.7%	0.8%	0.4%	0.4%	0.1%	0.6%

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



### **3. Types of Opinions by Calendar**

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

#### **(a) Summary Calendar**

The number of summary calendar decisions decreased by 286 from 1,816 to 1,530. The percentage of signed opinions on the summary calendar decreased by 9.1% and per curiam opinions decreased by 16.2%.

**Table 20 - Summary Calendar Opinions**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Signed Opinions	1.9%	1.8%	1.0%	0.3%	0.6%	0.7%
Per Curiam Opinions	97.1%	96.9%	98.7%	99.3%	99.4%	98.8%
Rule 47.6 Opinions	1.0%	1.3%	0.3%	0.4%	0%	0.5%

**(b) Oral Argument Calendar**

Signed opinions on the oral argument calendar increased by 15.3%. Per curiam opinions decreased by 8.9%.

**Table 21 - Oral Argument Opinions**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Signed Opinions	43.8%	44.1%	46.2%	41.6%	38.4%	43.9%
Per Curiam Opinions	55.4%	55.3%	53.3%	58.0%	61.2%	55.3%
Rule 47.6 Opinions	0.8%	0.6%	0.5%	0.4%	0.4%	0.8%

#### 4. Published and Unpublished Opinions

Of the 2,509 opinions, 453 (18.1%) were published. The number of published opinions increased by 49 from the preceding year.

##### (a) Number and Percentage – 2024

**Table 22 - Opinion Number and Percentage 2024**

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	397	90.2	43	9.8	440
Per Curiam Opinions	56	2.7	1997	97.3	2053
Rule 47.6 Opinions	0	0	16	100.0	16
Total	453	18.1	2056	81.9	2509

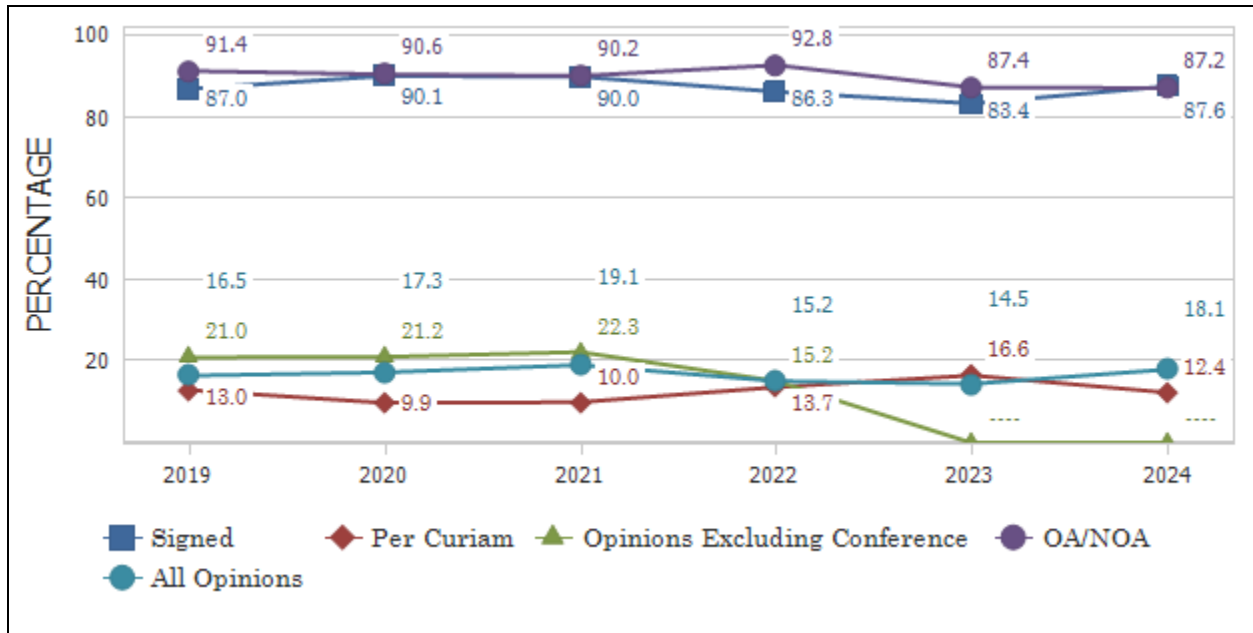
##### (b) Percentage Comparison (Published) - 2019 – 2024

**Table 23 - Published Opinion Percentage**

% Published						
	2019	2020	2021	2022	2023	2024
Signed Opinions	87.0	90.1	90.0	86.3	83.4	87.6
Per Curiam Opinions	13.0	9.9	10.0	13.7	16.6	12.4
Opinions Excluding Conference Calendar*	21.0	21.2	22.3	-	-	-
Oral Argument/No Oral Argument	91.4	90.6	90.2	92.8	87.4	87.2
All Opinions	16.5	17.3	19.1	15.2	14.5	18.1

\* Conference Calendar was discontinued as of June 30, 2021.

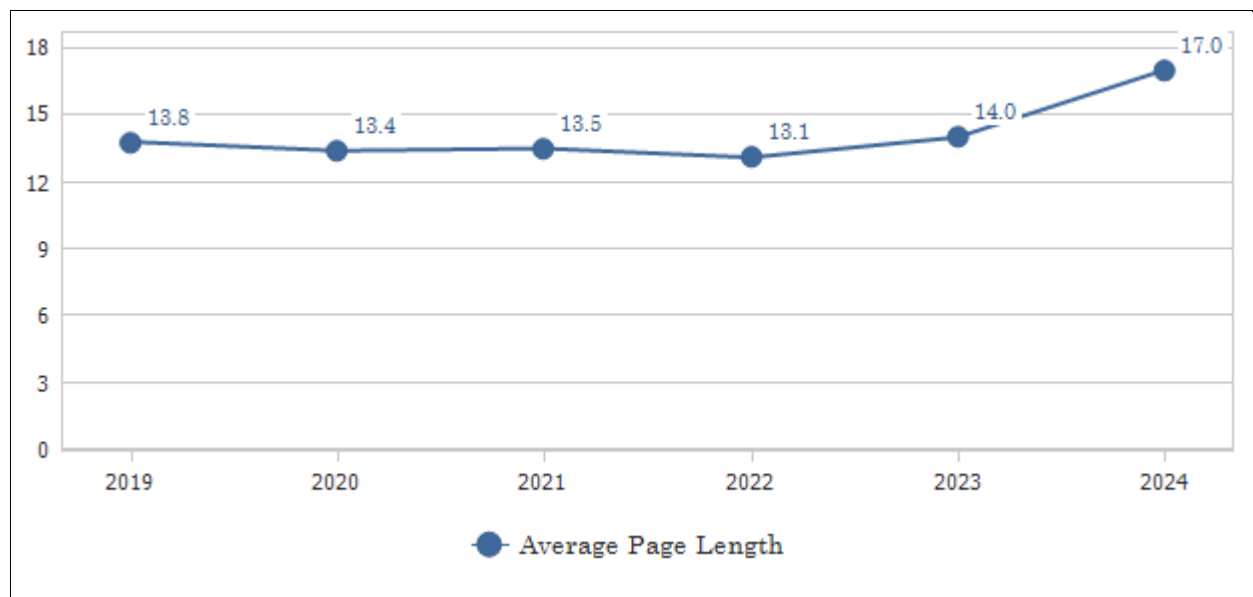
**Table 24 - Published Opinion Percentage Comparison by Graph**



(c) Length of Published Opinions

The average page length of opinions is up 21.4% from 2023.

**Table 25 - Length of Published Opinions by Graph**





## 5. Reversal Rate

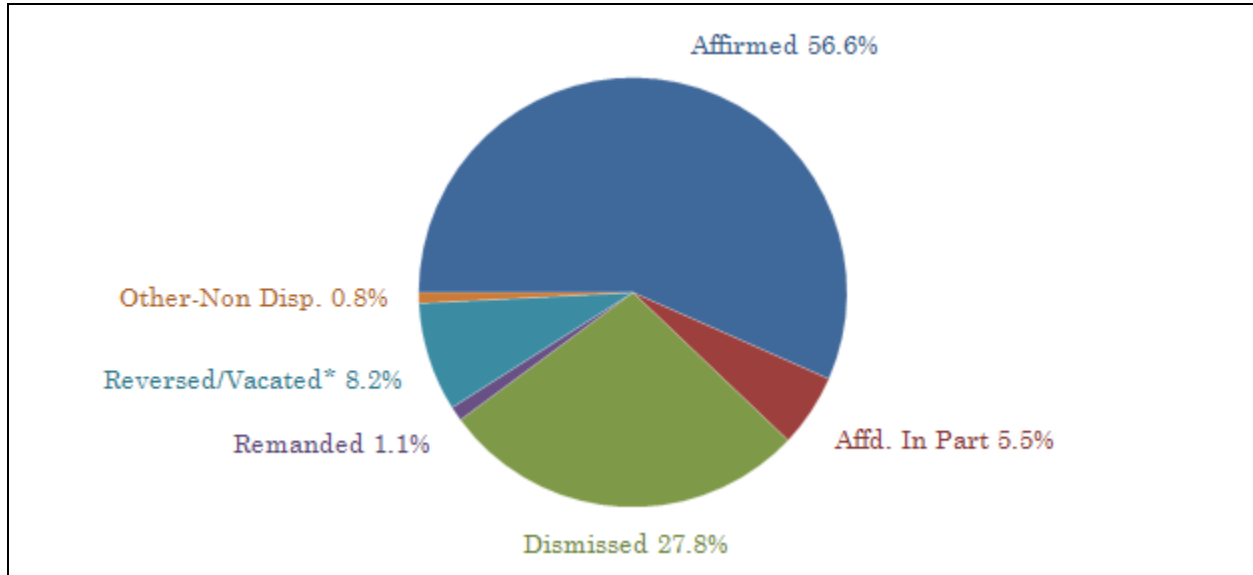
The 2024 reversed/vacated rate of 8.2% is greater than the 2023 reversed/vacated rate of 7.4%.

**Table 26 - Reversal Rate**

<b>2024</b>							<b>2023</b>
	<b>Summary</b>		<b>Hearing</b>		<b>Overall</b>		<b>Overall</b>
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>	<b>%</b>
Affirmed	853	55.8	568	58.0	1421	56.6	54.6
Affd. In Part	31	2.0	108	11.0	139	5.5	9.7
Dismissed	621	40.6	76	7.9	697	27.8	26.9
Remanded	5	0.3	22	2.2	27	1.1	0.9
Transferred	0	0.0	0	0.0	0	0.0	0.0
Reversed/Vacated*	20	1.3	185	18.9	205	8.2	7.4
Other-Non Disp.	0	0.0	20	2.0	20	0.8	0.5
Total	1530		979		2509		

\*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**



**Table 27a - Reversal Rate by Case Type**

Case Type	Decision Type	2021		2022		2023		2024	
		No.	%	No.	%	No.	%	No.	%
<b>Criminal</b>	Affirmed/Affd. In Part	797	62.90%	841	54.20%	754	54.56%	713	53.60%
	Dismissed	420	33.15%	630	40.59%	568	41.10%	580	43.61%
	Reversed/Vacated/Remanded	49	3.87%	80	5.15%	57	4.12%	36	2.71%
	Transferred/Other-Non Disp.	1	0.08%	1	0.06%	3	0.22%	1	0.08%
	<b>Total Cases</b>	<b>1,267</b>		<b>1,552</b>		<b>1,382</b>		<b>1,330</b>	
<b>Prisoner Appeals</b>	Affirmed/Affd. In Part	176	53.50%	215	55.27%	176	57.33%	140	64.52%
	Dismissed	102	31.00%	135	34.70%	95	30.94%	51	23.50%
	Reversed/Vacated/Remanded	46	13.98%	39	10.03%	35	11.40%	23	10.60%
	Transferred/Other-Non Disp.	5	1.52%	0	0.00%	1	0.33%	3	1.38%
	<b>Total Cases</b>	<b>329</b>		<b>389</b>		<b>307</b>		<b>217</b>	
<b>Federal Question</b>	Affirmed/Affd. In Part	111	70.70%	119	71.69%	115	73.25%	103	73.05%
	Dismissed	17	10.83%	8	4.82%	12	7.64%	7	4.96%
	Reversed/Vacated/Remanded	28	17.83%	35	21.08%	29	18.47%	31	21.99%
	Transferred/Other-Non Disp.	1	0.64%	4	2.41%	1	0.64%	0	0.00%
	<b>Total Cases</b>	<b>157</b>		<b>166</b>		<b>157</b>		<b>141</b>	
<b>Diversity</b>	Affirmed/Affd. In Part	127	78.40%	152	74.88%	128	80.50%	136	74.73%
	Dismissed	7	4.32%	13	6.40%	8	5.03%	5	2.75%
	Reversed/Vacated/Remanded	24	14.81%	32	15.76%	20	12.58%	31	17.03%
	Transferred/Other-Non Disp.	4	2.47%	6	2.96%	3	1.89%	10	5.49%
	<b>Total Cases</b>	<b>162</b>		<b>203</b>		<b>159</b>		<b>182</b>	
<b>U.S. Civil</b>	Affirmed/Affd. In Part	27	71.06%	45	68.17%	40	63.49%	34	56.67%
	Dismissed	2	5.26%	5	7.58%	6	9.52%	10	16.67%
	Reversed/Vacated/Remanded	9	23.68%	13	19.70%	16	25.40%	14	23.33%
	Transferred/Other-Non Disp.	0	0.00%	3	4.55%	1	1.59%	2	3.33%
	<b>Total Cases</b>	<b>38</b>		<b>66</b>		<b>63</b>		<b>60</b>	
<b>Tax Court</b>	Affirmed/Affd. In Part	6	100.00%	5	100.00%	2	50.00%	2	100.00%
	Dismissed	0	0.00%	0	0.00%	2	50.00%	0	0.00%
	Reversed/Vacated/Remanded	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>6</b>		<b>5</b>		<b>4</b>		<b>2</b>	

**Table 27a - Reversal Rate by Case Type**

Case Type	Decision Type	2021		2022		2023		2024	
		No.	%	No.	%	No.	%	No.	%
<b>Civil Rights</b>	Affirmed/Affd. In Part	194	76.98%	180	74.07%	206	74.63%	241	73.93%
	Dismissed	11	4.37%	16	6.58%	21	7.61%	30	9.20%
	Reversed/Vacated/Remanded	42	16.67%	43	17.70%	46	16.67%	54	16.56%
	Transferred/Other-Non Disp.	5	1.98%	4	1.65%	3	1.09%	1	0.31%
	<b>Total Cases</b>	<b>252</b>		<b>243</b>		<b>276</b>		<b>326</b>	
<b>Bankruptcy</b>	Affirmed/Affd. In Part	20	71.43%	21	44.67%	28	82.36%	26	74.28%
	Dismissed	3	10.71%	19	40.43%	3	8.82%	1	2.86%
	Reversed/Vacated/Remanded	5	17.86%	6	12.77%	3	8.82%	8	22.86%
	Transferred/Other-Non Disp.	0	0.00%	1	2.13%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>28</b>		<b>47</b>		<b>34</b>		<b>35</b>	
<b>Social Security</b>	Affirmed/Affd. In Part	8	100.00%	9	90.00%	12	100.00%	9	100.00%
	Dismissed	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Reversed/Vacated/Remanded	0	0.00%	1	10.00%	0	0.00%	0	0.00%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>8</b>		<b>10</b>		<b>12</b>		<b>9</b>	
<b>BIA</b>	Affirmed/Affd. In Part	220	90.91%	350	88.38%	305	86.65%	129	89.59%
	Dismissed	14	5.79%	19	4.80%	34	9.66%	10	6.94%
	Reversed/Vacated/Remanded	7	2.89%	23	5.81%	13	3.69%	5	3.47%
	Transferred/Other-Non Disp.	1	0.41%	4	1.01%	0	0.00%	0	0.00%
	<b>Total Cases</b>	<b>242</b>		<b>396</b>		<b>352</b>		<b>144</b>	
<b>Agency</b>	Affirmed/Affd. In Part	23	74.19%	9	56.25%	11	64.71%	12	40.00%
	Dismissed	2	6.45%	1	6.25%	1	5.88%	1	3.33%
	Reversed/Vacated/Remanded	5	16.13%	3	18.75%	5	29.41%	15	50.00%
	Transferred/Other-Non Disp.	1	3.23%	3	18.75%	0	0.00%	2	6.67%
	<b>Total Cases</b>	<b>31</b>		<b>16</b>		<b>17</b>		<b>30</b>	
	<b>Grand Total Cases</b>	<b>2,520</b>		<b>3,093</b>		<b>2,763</b>		<b>2,476</b>	

## **6. Concurrences and Dissents**

The following reflects the concurrences and dissents for the past six statistical years. Of the 2,509 panel opinions this year, 2,432 (96.9%) were without dissent.

**Table 27b - Panel Concurrences and Dissents**

<b>Judge Involvement</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Concurring	36	22	38	38	48	<b>37</b>
Dissenting	37	50	45	66	55	<b>59</b>
Concurring and Dissenting	10	15	23	11	26	<b>18</b>
Co-authoring and Concurring	0	0	0	0	0	<b>0</b>
Co-authoring and Dissenting	0	0	0	0	0	<b>0</b>
Co-authoring, Concurring and Dissenting	0	0	0	0	0	<b>0</b>

## **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 and oral argument calendars for the reporting year from July 1, 2023, through June 30, 2024 decreased from the previous year.

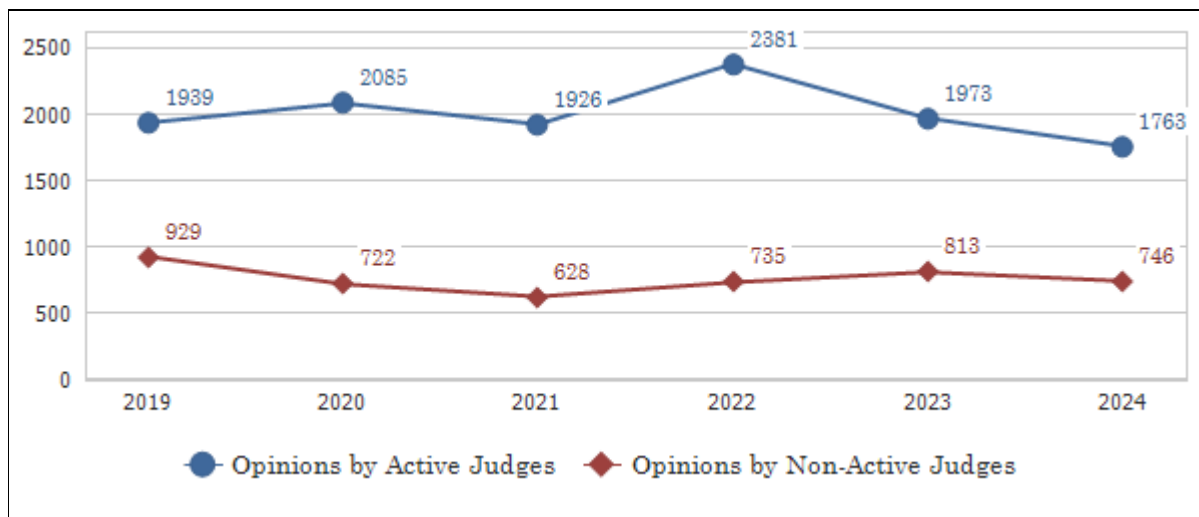
## 2. Opinion Output - Overall – 2019 – 2024

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

**Table 28 - Opinion Output**

	2019 <sup>1</sup>	2020 <sup>2</sup>	2021 <sup>3</sup>	2022 <sup>4</sup>	2023 <sup>5</sup>	2024 <sup>6</sup>
<b>(a) Opinions by Active Judges</b>	1939	2085	1926	2381	1973	1763
<b>(b) Opinions by Non-Active Judges</b>	929	722	628	735	813	746
<b>(c) Total Opinion Output</b>	2870	2808	2554	3116	2786	2509
<b>(d) Opinions per Active Judge</b>	130	130	114	140	131	108

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



<sup>1</sup> In 2019, there were 16 active judges, 9 senior status judges and 2 visiting judges.

<sup>2</sup> In 2020, there were 16 active judges, 9 senior status judges and 2 visiting judges.

<sup>3</sup> In 2021, there were 17 active judges, 7 senior status judges and 2 visiting judges.

<sup>4</sup> In 2022, there were 17 active judges, 7 senior status judges and 2 visiting judges.

<sup>5</sup> In 2023, there were 17 active judges, 8 senior status judges and 0 visiting judges.

<sup>6</sup> In 2024, there were 17 active judges, 8 senior status judges and 8 visiting judges.

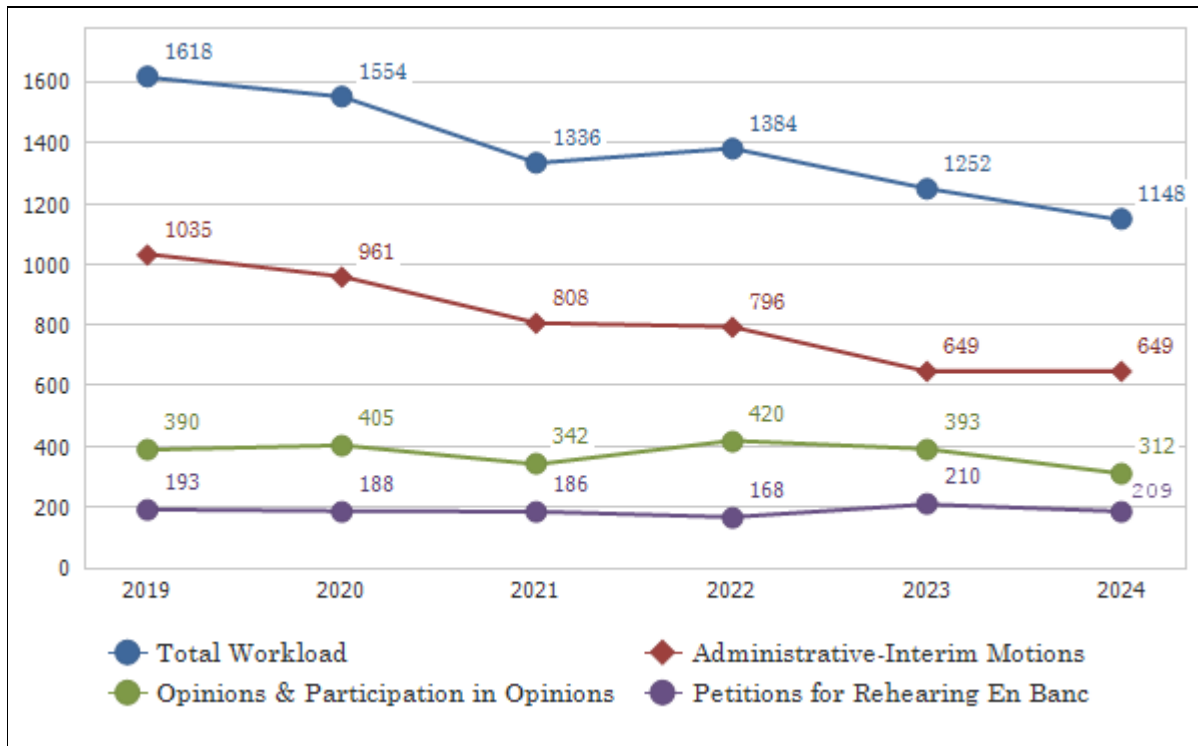
### 3. Overall Workload

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, 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 110 fewer matters per judge than last year. **Enclosure B**, page 34, 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					
	2019	2020	2021	2022	2023	2024
Opinions and Participations in Opinions	390	405	342	420	393	324
Petitions for Rehearing En Banc	193	188	186	168	210	209
Administrative-Interim Motions	1035	961	808	796	649	609
Total Workload	1618	1554	1336	1384	1252	1142

**Table 31 - Overall Workload by Graph**



Based on figures of judges who participated in summary and oral argument 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 the percentage of cases sent to the oral argument calendar.



**Table 32 - Screening Classifications**

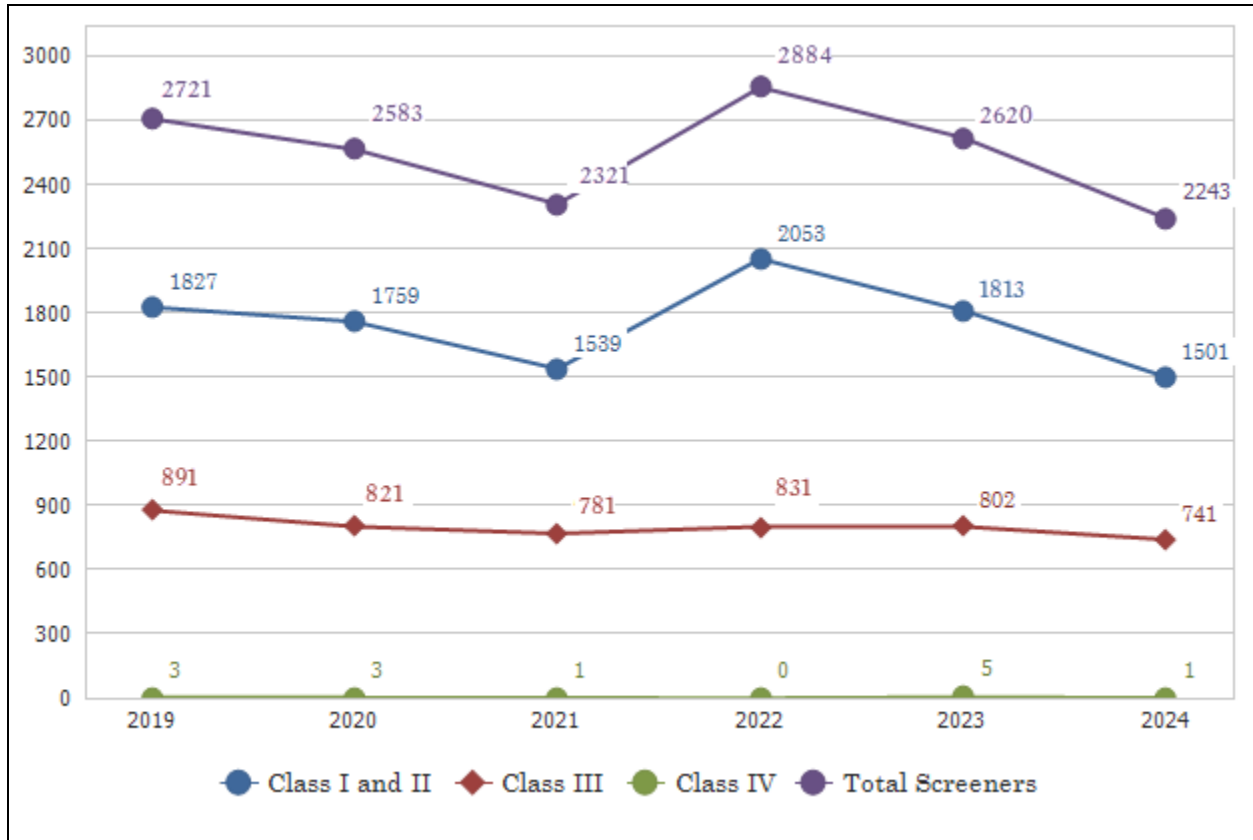
CLASS							
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total
	No.	%	No.	%	No.	%	No.
<b>2019</b>	1827	67.2	891	32.7	3	0.1	2721
<b>2020</b>	1759	68.1	821	31.8	3	0.1	2583
<b>2021</b>	1539	66.4	781	33.6	1	0.0	2321
<b>2022</b>	2053	71.2	831	28.8	0	0.0	2884
<b>2023</b>	1813	69.2	802	30.6	5	0.2	2620
<b>2024</b>	1501	66.9	741	33.0	1	0.0	2243
<b>Total</b>	10492*	68.3	4867	31.7	13	0.1	15372

Argument was held in 45.7% of the 742 cases designated as Class III and IV.

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\*Includes conference calendar opinions from prior years. Conference calendar was discontinued June 30, 2021.

**Table 33 - Screening Classifications by Graph**



Several additional screening tables follow:

(a) Screening Classifications by Case Type

**Enclosure C**, page 35, 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 Percentages by Case Type**

	Summary Calendar Percentage (%)					
Case Type	2019	2020	2021	2022	2023	2024
CRIMINAL DIRECT	85.6	86.2	88.5	93.0	91.1	90.8
CRIMINAL NON-DIRECT	86.8	84.5	79.2	89.1	84.9	83.0
PRISONER CASES						
With Counsel	37.0	11.1	27.8	31.4	26.1	32.0
Without Counsel	76.7	81.7	73.6	79.8	80.6	72.5
2255						
With Counsel	31.2	37.9	61.1	38.5	15.4	12.5
Without Counsel	60.0	70.0	61.5	57.1	80.0	57.1
CIVIL						
Diversity	33.2	41.6	24.0	25.3	24.6	20.2
Federal Question	29.2	26.5	21.1	26.0	24.7	18.4
U.S. Civil	27.0	43.1	32.4	27.3	19.1	17.9
Tax	33.3	0.0	16.7	12.5	75.0	50.0
Bankruptcy	22.6	29.8	27.8	46.2	23.8	17.5
Civil Rights	38.1	34.7	36.7	27.3	28.8	34.5
BIA	79.6	68.7	78.2	79.6	79.9	81.1
Tax Court	75.0	46.7	50.0	25.0	66.7	50.0
Other Agency	23.1	19.0	20.8	5.9	11.8	11.8
Social Security	75.0	100.0	50.0	50.0	71.4	44.4
Mandamus	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	67.5	68.6	66.7	71.9	69.2	66.9

## **H. PETITIONS FOR EN BANC REHEARING / PANEL REHEARING**

### **1. Petitions for En Banc Rehearing**

The court had 28 petitions for en banc rehearing pending at the beginning of the court year and received 205 petitions for en banc rehearing during this court year, two more than the prior year (203). Parties requested en banc rehearing in 8.2% of the cases with opinions. The court acted upon 209 petitions for en banc rehearing and 21 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 199 cases, 15 of which were after a poll. The court granted seven 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 36.

### **2. Petitions for Panel Rehearing**

In 204 cases there were requests for both panel and en banc rehearing. In 105 cases where parties requested an en banc rehearing only, these requests were also treated as a panel rehearing. In one other case, the court sua sponte granted panel rehearing.

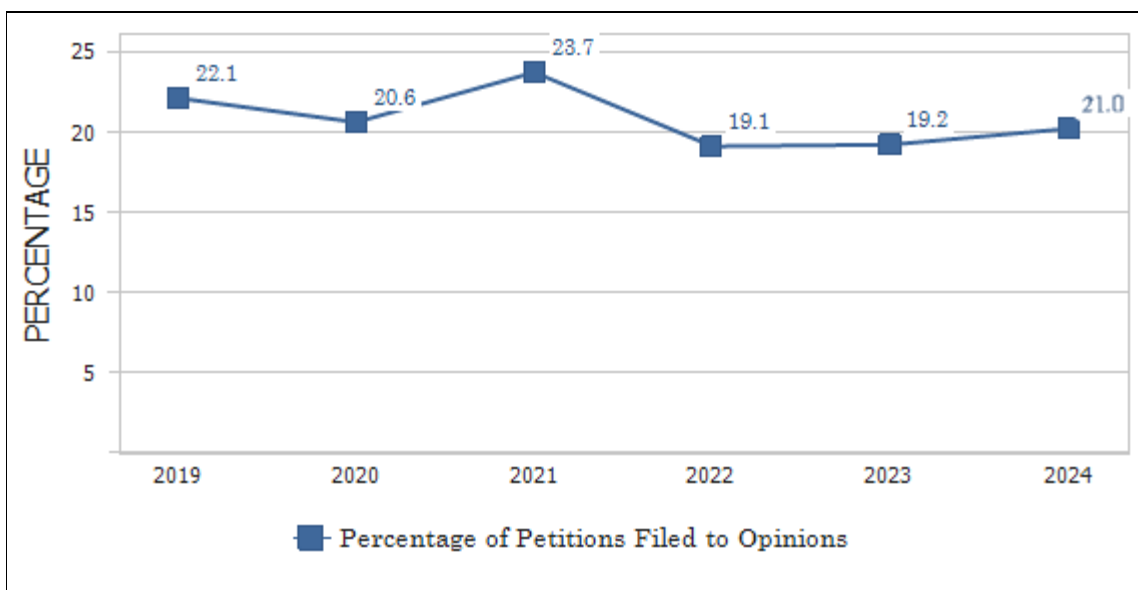
## **I. PETITIONS FOR CERTIORARI**

The number of petitions filed is as follows:

**Table 35 - Petitions for Certiorari**

Petitions Filed	2019	2020	2021	2022	2023	2024
Criminal	259	269	334	292	272	275
U.S. Civil	83	73	67	63	66	54
Private Civil	282	226	181	223	215	174
Administrative Appeals	10	11	23	17	17	22
<b>Total</b>	<b>634</b>	<b>579</b>	<b>605</b>	<b>595</b>	<b>570</b>	<b>525</b>
<b>Opinions Rendered</b>	<b>2870</b>	<b>2808</b>	<b>2554</b>	<b>3116</b>	<b>2786</b>	<b>2509</b>
<b>% of Petitions filed to Opinions</b>	<b>22.1</b>	<b>20.6</b>	<b>23.7</b>	<b>19.1</b>	<b>20.5</b>	<b>21.0</b>

**Table 36 - Petitions for Certiorari by Graph**



The Supreme Court took action on 559 cases from our Court compared with 560 last year. The Court granted 12 petitions, or 2.1% of the total. (For additional information, see **Enclosure F**, page 38.)

## **J. ADMINISTRATIVE-INTERIM MOTIONS**

The administrative-interim motions decreased to 2,510 from 2,688 last year to an average of 148 initiating actions per active judge. When panel matters are considered, each judge acted on 609 such motions, a decrease from 649 last year. See **Enclosure G**, page 39, for other details.

## **K. OTHER COURT DATA**

### **1. Bar Membership Data**

There are 24,745 active bar members. Of those, 24302 are registered for electronic case filing and 3,957 different members filed pleadings through ECF last year.

**Table 37 - Members of the Bar**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Active Members	18,768	20,819	22,717	25,342	24,612	24,745
Registered Filers	17,627	19,916	21,809	24,382	23,999	24,302
Number of ECF Filers	4,158	3,972	3,883	3,990	3,763	3,957

## 2. Amicus Briefs Filed

In 122 cases, the court received 380 amicus briefs. Of the amicus briefs filed, 362 were filed in Civil and 18 were filed in Criminal cases.

**Table 38 - Number of Amicus Briefs Filed by Case Type**

TYPE	YEAR						Change from Prior Year	
	2019	2020	2021	2022	2023	2024	No.	%
Criminal	3	12	7	5	3	5	+2	+66.7
Prisoner Appeals	3	5	14	7	8	13	+5	+62.5
Successive Habeas Corpus	0	1	0	0	0	0	0	0
IFP Mandamus	0	0	0	0	0	0	0	0
Federal Question	33	41	32	55	41	58	+17	+41.5
Diversity	10	13	6	11	24	20	-4	-16.7
U.S. Civil	58	40	42	69	167	120	-47	-28.1
Tax Court	3	0	0	0	0	0	0	0
Civil Rights	70	76	80	83	90	65	-25	-27.8
Bankruptcy	8	2	0	4	4	2	-2	-50.0
Social Security	0	0	0	0	0	0	0	0
BIA	2	9	5	11	2	1	-1	-50.0
Mandamus	1	8	3	0	5	2	-3	-60.0
Agency	5	9	3	21	38	94	+56	+147.4
Miscellaneous	2	2	0	3	1	0	-1	-100.0
	198	218	192	269	383	380	-3	-0.8

### 3. Interlocutory, Discretionary, and Expedited Appeals

**Table 39 - Interlocutory Appeals**

TYPE	YEAR						Change from Prior Year
	2019	2020	2021	2022	2023	2024	
1292(b)	5	13	17	18	13	10	-3
1453 Permission to Appeal	3	2	2	5	1	2	+1
158(d) Miscellaneous	6	4	12	3	10	4	-6
23f - Class Action	10	8	8	14	2	7	+5
	24	27	39	40	26	23	-3

**Table 40 - Emergency/Expedited Cases**

TYPE	YEAR						Change from Prior Year
	2019	2020	2021	2022	2023	2024	
Emergency Matters	69	96	94	71	57	103	+46
Cases Expedited to OA	15	21	12	30	31	30	-1
	84	117	106	101	88	133	+45



## New Appeals Docketed by Case Type by Month

	(a)	(b)		(c)	(d)												
CASE TYPE	MO. %	CUMULATIVE %		2022	2023												
	2023-2024	22-23	23-24	2023	2024	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
CRIMINAL CASES	41.26%	35.28%	37.87%	2,025	2,044	138	161	171	145	157	142	142	209	172	214	197	196
PRISONER CASES																	
w/counsel	0.42%	1.74%	1.50%	100	81	8	4	11	4	11	6	6	9	5	8	7	2
w/o counsel	17.05%	20.51%	17.92%	1,177	967	59	101	72	91	70	61	96	72	79	94	91	81
Succ Habeas	4.42%	5.19%	4.28%	298	231	13	18	18	20	16	24	26	19	24	14	18	21
Non-Pd Mandamus	2.32%	1.90%	2.41%	109	130	14	20	6	7	10	8	6	14	9	17	8	11
SUB-TOTAL	65.47%	64.62%	63.98%	3,709	3,453	232	304	278	267	264	241	276	323	289	347	321	311
CIVIL																	
Private Civil	10.53%	13.45%	12.66%	772	683	79	71	53	80	40	52	53	50	44	68	43	50
Diversity	4.21%	7.20%	6.56%	413	354	46	37	26	46	25	23	22	26	22	37	24	20
Fed. Quest.	6.32%	6.25%	6.10%	359	329	33	34	27	34	15	29	31	24	22	31	19	30
U.S. CIVIL	3.58%	2.16%	2.50%	124	135	14	10	11	12	23	5	4	5	12	11	11	17
Tax	0.00%	0.10%	0.09%	6	5	0	0	0	2	0	1	1	0	0	1	0	0
Tax Court	0.42%	0.14%	0.15%	8	8	0	0	0	0	1	0	0	2	0	1	2	2
Bankruptcy	0.21%	0.99%	1.22%	57	66	6	9	15	8	6	3	3	0	1	6	8	1
BIA	4.84%	4.56%	3.98%	262	215	11	24	20	23	26	12	13	8	18	21	16	23
Other Agency	4.21%	1.55%	2.13%	89	115	8	12	7	4	3	8	11	12	6	7	17	20
Civil Rights	9.89%	10.45%	11.54%	600	623	40	66	47	57	62	48	45	33	55	74	49	47
Soc. Security	0.21%	0.44%	0.37%	25	20	1	1	2	2	3	0	1	0	4	4	1	1
Mandamus	0.21%	0.71%	0.67%	41	36	4	8	2	0	3	1	3	3	2	2	7	1
Miscellaneous	0.42%	0.82%	0.70%	47	38	5	3	3	7	3	2	2	3	2	3	3	2
SUB-TOTAL	34.53%	35.38%	36.02%	2,031	1,944	168	204	160	195	170	132	136	116	144	198	157	164
<b>TOTAL APPEALS</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>5,740</b>	<b>5,397</b>	<b>400</b>	<b>508</b>	<b>438</b>	<b>462</b>	<b>434</b>	<b>373</b>	<b>412</b>	<b>439</b>	<b>433</b>	<b>545</b>	<b>478</b>	<b>475</b>

Legend:

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

(b): The Cumulative Percentage for the corresponding months in 22-23 compared with 23-24

(c): The Cumulative Total Filings for the corresponding months in 22-23

(d): The Cumulative Total for 23-24

ENCLOSURE A

**WORKLOAD PER ACTIVE JUDGE**

I. SUMMARY CALENDAR CASES*			
(a) Opinions as initiating judge	59		
(b) Participations in opinions of other panel members		118	
(c) Sub-total summary calendar cases			177
II. HEARING CALENDAR AND OTHER CASES*			
(a) Opinions as writing judge	49		
(b) Participations in opinions of other panel members		98	
(c) Sub-total oral argument cases			147
III. TOTAL OPINIONS (I(a), II(a))*	108		
IV. TOTAL PANEL PARTICIPATIONS (I(b), II(b))*		216	
V. TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c))*			324
VI. PETITIONS FOR REHEARING EN BANC			209
VII. ADMINISTRATIVE-INTERIM MATTERS			
(a) Single Judge Matters	93		
(b) Participation in panel matters as initiating judge	172		
(c) Participation in panel matters of other panel members		344	
(d) Sub-total administrative -interim matters			609
VIII. TOTAL MATTERS PARTICIPATED IN PER JUDGE			1142

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

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

July 1, 2023 - June 30, 2024

<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	531	521	106	0	1158	90.8
CRIMINAL NON-DIRECT	2	71	15	0	88	83.0
PRISONER CASES						
HC-With Counsel	0	1	3	0	4	25.0
HC-Without Counsel	0	11	5	0	16	68.8
1983-With Counsel	0	6	9	0	15	40.0
1983-Without Counsel	2	56	21	0	79	73.4
O. Pris.-With Counsel	0	1	5	0	6	16.7
O. Pris.-Without Counsel	0	5	2	0	7	71.4
2255-With Counsel	1	0	7	0	8	12.5
2255-Without Counsel	0	4	3	0	7	57.1
CIVIL						
Diversity	0	36	142	0	178	20.2
Fed. Question	1	24	111	0	136	18.4
U.S. Civil	1	9	45	1	56	17.9
Tax	0	2	2	0	4	50.0
Bankruptcy	0	7	33	0	40	17.5
Civ. Rights	1	97	186	0	284	34.5
BIA	0	103	24	0	127	81.1
Tax Court	0	2	2	0	4	50.0
Other Agency	0	2	15	0	17	11.8
Social Security	0	4	5	0	9	44.4
TOTAL	539	962	741	1	2243	66.9

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

<u>7/1/2023 - 6/30/2024</u>		
<b>TOTAL</b>		
TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR	0	25
Petitions for Rehearing En Banc FILED this Year	0	205
Petitions for Rehearing En Banc DENIED	0	199
w/poll vote	15	0
w/o poll vote	184	0
En Banc GRANTED	0	9
On Petition With Oral Argument	7	0
On Petition Without Oral Argument	0	0
Sua Sponte En Banc With Oral Argument	2	0
Sua Sponte En Banc Without Oral Argument	0	0
Disposed of by Other Means	0	1
TOTAL PENDING AS OF 6/30/2024	0	21

**PETITIONS FOR PANEL REHEARING AND REHEARING GRANTED**

<u>7/1/2023 - 6/30/2024</u>	
<b>TOTAL</b>	
TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR	17
Petitions for Rehearing FILED this Year	176
Petitions for Rehearing DENIED	277
Petitions for Rehearing GRANTED*	10
En Banc Rehearing Treated as Panel Rehearing	105
Disposed of by Other Means	0
TOTAL PENDING AS OF 6/30/2024	11

\*Includes panel rehearings sua sponte granted by the court.

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

**SUMMARY**

July 1, 2023 - June 30, 2024

			TYPE OF DISPOSITION				
TYPE	PENDING 6/30/2023	NUMBER FILED	GRANTED	DENIED	DISMISSED	REMOVED	PENDING 6/30/2024
TOTAL	128	525	12	540	7	0	94
CRIM	72	275	0	311	0	0	36
USC	6	54	5	48	0	0	7
PRIV. CIV.	44	174	3	171	7	0	37
ADM*	6	22	4	10	0	0	14

\*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 2024)**

Motion to or for:	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	TOTALS
Dismiss	19	17	16	12	22	10	22	17	107	24	22	21	309
Reinstate Appeal	2	4	2	1	0	1	3	4	1	0	2	0	20
Appointment of Counsel	3	9	3	2	4	2	3	3	3	1	2	1	36
Expedite Hearing, for Continuance, or Special Assignment	2	4	4	8	4	5	1	1	2	1	1	3	36
Stay or for Injunction and/or Supersedeas Pending Appeal	6	19	15	12	11	12	8	6	14	14	14	9	140
Supplement the Record	2	1	2	6	2	4	5	1	3	3	4	1	34
Strike Briefs, Designations for Printing, etc	1	0	0	1	2	0	0	1	0	0	0	0	5
Excess Pages in Brief	3	2	6	1	0	1	1	1	3	2	0	1	21
Bail Pending Appeal	2	0	0	1	0	0	0	1	0	0	1	1	6
Interlocutory Appeal (Sec. 1292(b))	3	1	3	6	1	3	1	1	0	1	1	0	21
Jurisdiction	29	27	19	18	20	22	26	27	24	17	16	25	270
Withdraw as Counsel	8	14	7	12	9	3	3	8	5	7	7	10	93
Extensions of Time	17	24	20	21	25	16	28	25	30	16	20	26	268
Certificate of Appealability/Additional COA Issues	11	20	16	18	16	8	15	16	21	17	15	16	189
Leave to Appeal In Forma Pauperis	2	14	10	14	14	11	9	12	8	5	11	12	122
Issuance of COA and Leave to Appeal In Forma Pauperis	7	4	12	6	2	6	3	4	3	6	4	5	62
Mandamus or Prohibition	9	13	5	3	6	5	5	6	6	5	14	10	87
Successive Petitions	15	12	11	15	10	19	21	10	11	16	11	15	166
Miscellaneous Motions	54	61	61	60	48	48	41	49	40	56	63	44	625
<b>TOTALS</b>	<b>195</b>	<b>246</b>	<b>212</b>	<b>217</b>	<b>196</b>	<b>176</b>	<b>195</b>	<b>193</b>	<b>281</b>	<b>191</b>	<b>208</b>	<b>200</b>	<b>2,510</b>

ENCLOSURE G