

Table B-5.
U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit,
During the 12-Month Period Ending September 30, 2004

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
ALL CIRCUITS	56,381	48.7	27,438	21,336	2,505	2,129	818	650	8.6
CRIMINAL	11,076	68.2	7,559	6,296	632	426	187	18	5.6
U.S. PRISONER PETITIONS	4,918	30.2	1,486	1,167	129	133	50	7	9.0
OTHER U.S. CIVIL	3,049	59.4	1,811	1,441	88	219	53	10	12.1
PRIV. PRISONER PETITIONS	11,485	26.4	3,034	2,169	469	267	107	22	8.8
OTHER PRIVATE CIVIL	12,722	48.4	6,163	4,908	252	771	162	70	12.5
BANKRUPTCY	799	47.7	381	284	25	59	9	4	15.5
ADMINISTRATIVE APPEALS	8,507	46.5	3,957	2,146	828	214	250	519	5.4
ORIGINAL PROCEEDINGS ³	3,825	79.7	3,047	2,925	82	40	-	-	-
DISTRICT OF COLUMBIA	1,155	42.6	492	386	20	71	12	3	15.9
CRIMINAL	120	48.3	58	43	1	9	4	1	15.5
U.S. PRISONER PETITIONS	129	38.8	50	46	-	3	1	-	6.0
OTHER U.S. CIVIL	231	50.2	116	95	4	14	3	-	12.1
PRIV. PRISONER PETITIONS	23	56.5	13	12	-	1	-	-	7.7
OTHER PRIVATE CIVIL	141	46.1	65	55	1	8	1	-	12.3
BANKRUPTCY	3	66.7	2	-	-	2	-	-	-
ADMINISTRATIVE APPEALS	428	32.0	137	87	12	33	3	2	24.1
ORIGINAL PROCEEDINGS ³	80	63.8	51	48	2	1	-	-	-
FIRST CIRCUIT	1,643	41.6	683	568	19	90	5	1	14.5
CRIMINAL	516	33.5	173	136	5	28	4	-	16.2
U.S. PRISONER PETITIONS	125	9.6	12	8	-	4	-	-	33.3
OTHER U.S. CIVIL	92	53.3	49	43	1	5	-	-	10.2
PRIV. PRISONER PETITIONS	134	32.8	44	37	5	2	-	-	4.5
OTHER PRIVATE CIVIL	540	48.1	260	214	4	42	-	-	16.2
BANKRUPTCY	33	51.5	17	12	-	5	-	-	29.4
ADMINISTRATIVE APPEALS	137	48.2	66	59	1	4	1	1	6.1
ORIGINAL PROCEEDINGS ³	66	93.9	62	59	3	-	-	-	-
SECOND CIRCUIT	4,611	38.5	1,777	1,204	239	24	233	77	1.5
CRIMINAL	793	58.9	467	367	35	7	54	4	1.5
U.S. PRISONER PETITIONS	297	22.6	67	39	15	-	12	1	-
OTHER U.S. CIVIL	238	52.5	125	76	28	3	14	4	2.4
PRIV. PRISONER PETITIONS	1,044	17.4	182	92	38	3	42	7	1.6
OTHER PRIVATE CIVIL	1,284	44.9	576	361	74	10	98	33	1.7
BANKRUPTCY	77	41.6	32	22	6	-	4	-	-
ADMINISTRATIVE APPEALS	601	16.5	99	38	24	-	9	28	-
ORIGINAL PROCEEDINGS ³	277	82.7	229	209	19	1	-	-	-

Table B-5. (September 30, 2004—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
THIRD CIRCUIT	3,787	54.1	2,047	1,642	118	242	41	4	12.3
CRIMINAL	533	70.7	377	336	5	31	4	1	8.2
U.S. PRISONER PETITIONS	437	46.0	201	160	15	20	5	1	10.0
OTHER U.S. CIVIL	285	71.2	203	161	5	28	9	-	13.8
PRIV. PRISONER PETITIONS	700	30.1	211	118	63	27	2	1	12.8
OTHER PRIVATE CIVIL	1,085	52.9	574	457	21	93	3	-	16.2
BANKRUPTCY	71	47.9	34	25	2	7	-	-	20.6
ADMINISTRATIVE APPEALS	497	58.1	289	241	3	26	18	1	9.0
ORIGINAL PROCEEDINGS ³	179	88.3	158	144	4	10	-	-	-
FOURTH CIRCUIT	4,713	51.4	2,424	2,140	142	121	20	1	5.7
CRIMINAL	875	73.4	642	582	31	25	4	-	3.9
U.S. PRISONER PETITIONS	801	30.2	242	199	25	13	4	1	5.4
OTHER U.S. CIVIL	206	66.0	136	116	6	13	1	-	9.6
PRIV. PRISONER PETITIONS	1,106	29.3	324	274	39	6	5	-	1.9
OTHER PRIVATE CIVIL	855	55.1	471	400	21	48	2	-	10.2
BANKRUPTCY	60	61.7	37	26	4	5	2	-	13.5
ADMINISTRATIVE APPEALS	427	60.0	256	237	7	10	2	-	3.9
ORIGINAL PROCEEDINGS ³	383	82.5	316	306	9	1	-	-	-
FIFTH CIRCUIT	8,100	49.6	4,018	3,242	498	247	31	-	6.6
CRIMINAL	2,330	75.5	1,759	1,474	228	51	6	-	2.9
U.S. PRISONER PETITIONS	606	29.5	179	123	33	20	3	-	11.2
OTHER U.S. CIVIL	298	56.4	168	126	22	19	1	-	11.3
PRIV. PRISONER PETITIONS	2,162	21.6	468	259	155	46	8	-	9.8
OTHER PRIVATE CIVIL	1,472	50.8	748	610	46	87	5	-	11.6
BANKRUPTCY	110	49.1	54	45	2	7	-	-	13.0
ADMINISTRATIVE APPEALS	471	42.7	201	180	6	7	8	-	3.5
ORIGINAL PROCEEDINGS ³	651	67.7	441	425	6	10	-	-	-
SIXTH CIRCUIT	4,655	53.5	2,490	2,225	33	200	29	3	8.9
CRIMINAL	933	68.2	636	595	3	32	6	-	5.0
U.S. PRISONER PETITIONS	292	30.1	88	77	1	8	2	-	9.1
OTHER U.S. CIVIL	278	63.7	177	156	1	19	1	-	10.7
PRIV. PRISONER PETITIONS	1,012	37.2	376	324	2	40	10	-	10.6
OTHER PRIVATE CIVIL	1,365	50.7	692	601	1	81	7	2	11.7
BANKRUPTCY	74	54.1	40	32	-	7	-	1	17.5
ADMINISTRATIVE APPEALS	341	63.0	215	198	2	12	3	-	5.6
ORIGINAL PROCEEDINGS ³	360	73.9	266	242	23	1	-	-	-

Table B-5. (September 30, 2004—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
SEVENTH CIRCUIT	3,294	42.8	1,411	1,038	81	237	12	43	18.7
CRIMINAL	496	57.1	283	164	74	41	3	1	14.5
U.S. PRISONER PETITIONS	359	29.0	104	76	-	25	2	1	24.0
OTHER U.S. CIVIL	164	59.8	98	74	-	18	1	5	18.4
PRIV. PRISONER PETITIONS	712	26.5	189	148	1	34	-	6	18.0
OTHER PRIVATE CIVIL	984	46.8	461	352	-	85	3	21	18.4
BANKRUPTCY	58	41.4	24	15	-	8	1	-	33.3
ADMINISTRATIVE APPEALS	300	36.0	108	71	-	26	2	9	24.1
ORIGINAL PROCEEDINGS ³	221	65.2	144	138	6	-	-	-	-
EIGHTH CIRCUIT	2,916	63.8	1,860	1,555	124	160	15	6	9.6
CRIMINAL	722	77.1	557	461	38	54	4	-	9.7
U.S. PRISONER PETITIONS	258	39.1	101	88	5	4	2	2	4.0
OTHER U.S. CIVIL	224	75.4	169	151	5	11	1	1	6.5
PRIV. PRISONER PETITIONS	493	37.7	186	157	15	13	1	-	7.0
OTHER PRIVATE CIVIL	719	61.5	442	351	22	65	3	1	14.7
BANKRUPTCY	34	52.9	18	14	1	3	-	-	16.7
ADMINISTRATIVE APPEALS	213	69.5	148	104	32	6	4	2	4.1
ORIGINAL PROCEEDINGS ³	253	94.5	239	229	6	4	-	-	-
NINTH CIRCUIT	12,151	47.6	5,783	3,667	897	360	363	496	6.8
CRIMINAL	1,678	67.1	1,126	882	95	63	82	4	5.6
U.S. PRISONER PETITIONS	522	36.0	188	152	8	15	12	1	8.0
OTHER U.S. CIVIL	502	49.0	246	195	9	32	10	-	13.0
PRIV. PRISONER PETITIONS	2,186	26.9	587	472	24	52	33	6	8.9
OTHER PRIVATE CIVIL	1,946	41.7	811	646	23	105	28	9	12.9
BANKRUPTCY	167	37.7	63	50	4	6	2	1	9.5
ADMINISTRATIVE APPEALS	4,542	48.0	2,182	699	733	79	196	475	3.6
ORIGINAL PROCEEDINGS ³	608	95.4	580	571	1	8	-	-	-
TENTH CIRCUIT	2,448	55.1	1,349	1,065	106	125	50	3	10.1
CRIMINAL	469	76.5	359	286	34	24	14	1	6.7
U.S. PRISONER PETITIONS	254	43.7	111	86	16	4	5	-	3.6
OTHER U.S. CIVIL	215	70.7	152	109	2	29	12	-	19.1
PRIV. PRISONER PETITIONS	530	32.8	174	121	30	15	6	2	8.6
OTHER PRIVATE CIVIL	619	53.6	332	268	10	44	10	-	13.3
BANKRUPTCY	51	60.8	31	22	5	4	-	-	12.9
ADMINISTRATIVE APPEALS	135	52.6	71	58	6	4	3	-	5.6
ORIGINAL PROCEEDINGS ³	175	68.0	119	115	3	1	-	-	-

Table B-5. (September 30, 2004—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated ¹	Terminations on the Merits							Percent Reversed ²
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
ELEVENTH CIRCUIT	6,908	44.9	3,104	2,604	228	252	7	13	9.4
CRIMINAL	1,611	69.6	1,122	970	83	61	2	6	5.4
U.S. PRISONER PETITIONS	838	17.1	143	113	11	17	2	-	11.9
OTHER U.S. CIVIL	316	54.4	172	139	5	28	-	-	16.3
PRIV. PRISONER PETITIONS	1,383	20.2	280	155	97	28	-	-	10.0
OTHER PRIVATE CIVIL	1,712	42.7	731	593	29	103	2	4	14.1
BANKRUPTCY	61	47.5	29	21	1	5	-	2	17.2
ADMINISTRATIVE APPEALS	415	44.6	185	174	2	7	1	1	3.8
ORIGINAL PROCEEDINGS ³	572	77.3	442	439	-	3	-	-	-

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

¹ TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS.

² PERCENT NOT SHOWN WHERE THE TOTAL NUMBER OF CASES TERMINATED ON THE MERITS IS LESS THAN 10. NO PERCENTAGES OF CASES REVERSED OR DENIED HAVE BEEN COMPUTED FOR ORIGINAL PROCEEDINGS BECAUSE OF THEIR DIFFERENCE FROM APPEALS, NOR HAVE THEY BEEN INCLUDED IN THE PERCENTAGE OF TOTAL APPEALS REVERSED.

³ BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.