

**Table B-5A.**

**U.S. Courts of Appeals—Appeals Terminated by Procedural Judgments, by Circuit, During the Twelve-Month Period Ended September 30, 1997**

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42*	Default	Other
<b>ALL CIRCUITS</b>	<b>51,194</b>	<b>22,337</b>	<b>21</b>	<b>8,729</b>	<b>3,328</b>	<b>653</b>	<b>158</b>	<b>1,018</b>	<b>2,399</b>	<b>1,173</b>	<b>13,587</b>	<b>6,819</b>	<b>6,185</b>	<b>583</b>
CRIMINAL	10,466	2,288	3	719	342	150	13	-	-	214	1,566	1,003	483	80
U.S. PRISONER PETITIONS	4,449	2,658	-	1,649	248	11	12	-	1,286	92	1,009	266	713	30
OTHER U.S. CIVIL	4,200	1,435	2	360	209	62	12	-	-	77	1,073	612	418	43
PRIV. PRISONER PETITIONS	11,019	7,251	-	3,416	1,037	35	68	1,018	1,113	145	3,835	912	2,838	85
OTHER PRIVATE CIVIL	15,122	6,296	15	1,637	1,014	336	45	-	-	242	4,644	3,105	1,431	108
BANKRUPTCY	1,269	511	1	133	75	28	4	-	-	26	377	237	121	19
ADMINISTRATIVE APPEALS	3,944	1,741	-	701	403	31	4	-	-	263	1,040	684	181	175
ORIGINAL PROCEEDINGS	725	157	-	114	-	-	-	-	-	114	43	-	-	43
<b>DISTRICT OF COLUMBIA</b>	<b>1,833</b>	<b>878</b>	<b>-</b>	<b>191</b>	<b>98</b>	<b>7</b>	<b>8</b>	<b>-</b>	<b>10</b>	<b>68</b>	<b>687</b>	<b>470</b>	<b>81</b>	<b>136</b>
CRIMINAL	194	41	-	7	3	1	-	-	-	3	34	26	2	6
U.S. PRISONER PETITIONS	113	40	-	10	1	-	3	-	6	-	30	12	18	-
OTHER U.S. CIVIL	374	127	-	47	26	-	1	-	-	20	80	58	19	3
PRIV. PRISONER PETITIONS	69	42	-	13	2	-	2	-	4	5	29	5	18	6
OTHER PRIVATE CIVIL	245	86	-	29	15	2	2	-	-	10	57	38	16	3
BANKRUPTCY	8	2	-	-	-	-	-	-	-	-	2	1	1	-
ADMINISTRATIVE APPEALS	791	527	-	81	51	4	-	-	-	26	446	330	7	109
ORIGINAL PROCEEDINGS	39	13	-	4	-	-	-	-	-	4	9	-	-	9
<b>FIRST CIRCUIT</b>	<b>1,371</b>	<b>641</b>	<b>-</b>	<b>239</b>	<b>40</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>43</b>	<b>146</b>	<b>402</b>	<b>219</b>	<b>156</b>	<b>27</b>
CRIMINAL	354	132	-	38	-	2	-	-	-	36	94	38	51	5
U.S. PRISONER PETITIONS	89	64	-	55	5	-	-	-	24	26	9	7	2	-
OTHER U.S. CIVIL	113	52	-	9	-	-	-	-	-	9	43	21	16	6
PRIV. PRISONER PETITIONS	127	82	-	46	1	-	1	5	19	20	36	7	23	6
OTHER PRIVATE CIVIL	556	245	-	65	21	-	2	-	-	42	180	125	49	6
BANKRUPTCY	44	17	-	2	-	-	-	-	-	2	15	12	2	1
ADMINISTRATIVE APPEALS	78	47	-	23	13	-	-	-	-	10	24	9	13	2
ORIGINAL PROCEEDINGS	10	2	-	1	-	-	-	-	-	1	1	-	-	1
<b>SECOND CIRCUIT</b>	<b>4,378</b>	<b>2,429</b>	<b>-</b>	<b>433</b>	<b>88</b>	<b>8</b>	<b>1</b>	<b>21</b>	<b>169</b>	<b>146</b>	<b>1,996</b>	<b>836</b>	<b>1,012</b>	<b>148</b>
CRIMINAL	784	234	-	34	6	2	-	-	-	26	200	88	72	40
U.S. PRISONER PETITIONS	275	212	-	73	4	-	-	-	62	7	139	5	126	8
OTHER U.S. CIVIL	343	202	-	10	6	-	-	-	-	4	192	83	96	13
PRIV. PRISONER PETITIONS	756	498	-	174	31	1	1	21	107	13	324	20	287	17
OTHER PRIVATE CIVIL	1,766	1,010	-	80	39	3	-	-	-	38	930	506	394	30
BANKRUPTCY	127	74	-	7	-	2	-	-	-	5	67	34	23	10
ADMINISTRATIVE APPEALS	257	187	-	50	2	-	-	-	-	48	137	100	14	23
ORIGINAL PROCEEDINGS	70	12	-	5	-	-	-	-	-	5	7	-	-	7

**Table B5-A. (Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42*	Default	Other
<b>THIRD CIRCUIT</b>	<b>3,479</b>	<b>1,493</b>	-	<b>727</b>	<b>225</b>	<b>25</b>	<b>2</b>	<b>37</b>	<b>357</b>	<b>81</b>	<b>766</b>	<b>394</b>	<b>356</b>	<b>16</b>
CRIMINAL	598	91	-	32	23	7	-	-	-	2	59	46	13	-
U.S. PRISONER PETITIONS	355	233	-	191	25	-	-	-	157	9	42	9	33	-
OTHER U.S. CIVIL	208	82	-	24	16	3	-	-	-	5	58	31	26	1
PRIV. PRISONER PETITIONS	738	475	-	299	49	1	1	37	200	11	176	31	144	1
OTHER PRIVATE CIVIL	1,272	513	-	148	102	13	1	-	-	32	365	235	125	5
BANKRUPTCY	100	41	-	8	4	1	-	-	-	3	33	23	9	1
ADMINISTRATIVE APPEALS	152	52	-	23	6	-	-	-	-	17	29	19	6	4
ORIGINAL PROCEEDINGS	56	6	-	2	-	-	-	-	-	2	4	-	-	4
<b>FOURTH CIRCUIT</b>	<b>4,629</b>	<b>1,904</b>	-	<b>767</b>	<b>224</b>	<b>28</b>	-	<b>68</b>	<b>420</b>	<b>27</b>	<b>1,137</b>	<b>687</b>	<b>428</b>	<b>22</b>
CRIMINAL	939	160	-	41	29	3	-	-	-	9	119	102	14	3
U.S. PRISONER PETITIONS	629	404	-	290	29	1	-	-	256	4	114	49	63	2
OTHER U.S. CIVIL	333	93	-	10	6	4	-	-	-	-	83	62	19	2
PRIV. PRISONER PETITIONS	1,220	753	-	303	62	3	-	68	164	6	450	194	251	5
OTHER PRIVATE CIVIL	1,115	365	-	59	43	14	-	-	-	2	306	240	63	3
BANKRUPTCY	106	39	-	10	9	1	-	-	-	-	29	19	10	-
ADMINISTRATIVE APPEALS	266	86	-	53	46	2	-	-	-	5	33	21	8	4
ORIGINAL PROCEEDINGS	21	4	-	1	-	-	-	-	-	1	3	-	-	3
<b>FIFTH CIRCUIT</b>	<b>7,301</b>	<b>3,573</b>	-	<b>1,436</b>	<b>716</b>	<b>66</b>	<b>13</b>	<b>195</b>	<b>366</b>	<b>80</b>	<b>2,137</b>	<b>730</b>	<b>1,361</b>	<b>46</b>
CRIMINAL	1,605	383	-	112	83	9	-	-	-	20	271	118	151	2
U.S. PRISONER PETITIONS	544	359	-	195	43	5	1	-	141	5	164	21	139	4
OTHER U.S. CIVIL	406	162	-	39	28	3	1	-	-	7	123	52	66	5
PRIV. PRISONER PETITIONS	2,338	1,772	-	793	341	14	7	195	225	11	979	218	743	18
OTHER PRIVATE CIVIL	1,744	662	-	149	102	27	3	-	-	17	513	279	222	12
BANKRUPTCY	186	81	-	35	29	2	-	-	-	4	46	26	18	2
ADMINISTRATIVE APPEALS	385	153	-	113	90	6	1	-	-	16	40	16	22	2
ORIGINAL PROCEEDINGS	93	1	-	-	-	-	-	-	-	-	1	-	-	1
<b>SIXTH CIRCUIT</b>	<b>4,626</b>	<b>2,340</b>	-	<b>1,014</b>	<b>440</b>	<b>18</b>	<b>48</b>	<b>124</b>	<b>346</b>	<b>38</b>	<b>1,326</b>	<b>599</b>	<b>656</b>	<b>71</b>
CRIMINAL	796	203	-	55	47	2	-	-	-	6	148	88	42	18
U.S. PRISONER PETITIONS	434	313	-	242	40	1	2	-	198	1	71	14	47	10
OTHER U.S. CIVIL	344	116	-	27	24	1	-	-	-	2	89	47	36	6
PRIV. PRISONER PETITIONS	1,117	840	-	431	117	2	37	124	148	3	409	33	368	8
OTHER PRIVATE CIVIL	1,560	737	-	207	184	8	9	-	-	6	530	362	144	24
BANKRUPTCY	94	40	-	2	1	1	-	-	-	-	38	28	8	2
ADMINISTRATIVE APPEALS	240	81	-	42	27	3	-	-	-	12	39	27	11	1
ORIGINAL PROCEEDINGS	41	10	-	8	-	-	-	-	-	8	2	-	-	2

**Table B5-A. (Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated	Total Proc. Terms.	Cross Appeals	Procedural Terminations										
				By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42*	Default	Other
<b>SEVENTH CIRCUIT</b>	<b>3,311</b>	<b>1,504</b>	-	<b>546</b>	<b>186</b>	<b>3</b>	<b>9</b>	<b>152</b>	<b>136</b>	<b>60</b>	<b>958</b>	<b>539</b>	<b>403</b>	<b>16</b>
CRIMINAL	621	124	-	35	21	-	-	-	-	14	89	74	15	-
U.S. PRISONER PETITIONS	443	277	-	163	21	-	2	-	136	4	114	37	75	2
OTHER U.S. CIVIL	198	75	-	13	10	-	1	-	-	2	62	37	22	3
PRIV. PRISONER PETITIONS	804	533	-	217	51	-	-	152	-	14	316	94	218	4
OTHER PRIVATE CIVIL	976	418	-	89	68	1	6	-	-	14	329	260	65	4
BANKRUPTCY	62	21	-	9	4	-	-	-	-	5	12	9	2	1
ADMINISTRATIVE APPEALS	174	55	-	20	11	2	-	-	-	7	35	28	6	1
ORIGINAL PROCEEDINGS	33	1	-	-	-	-	-	-	-	-	1	-	-	1
<b>EIGHTH CIRCUIT</b>	<b>3,215</b>	<b>1,082</b>	-	<b>607</b>	<b>161</b>	<b>61</b>	<b>16</b>	<b>104</b>	<b>260</b>	<b>5</b>	<b>475</b>	<b>280</b>	<b>178</b>	<b>17</b>
CRIMINAL	648	83	-	30	21	7	2	-	-	-	53	43	10	-
U.S. PRISONER PETITIONS	324	201	-	180	9	-	1	-	170	-	21	6	15	-
OTHER U.S. CIVIL	293	72	-	29	16	13	-	-	-	-	43	35	8	-
PRIV. PRISONER PETITIONS	733	404	-	250	38	7	11	104	90	-	154	40	112	2
OTHER PRIVATE CIVIL	978	258	-	91	65	22	2	-	-	2	167	137	30	-
BANKRUPTCY	74	16	-	6	2	4	-	-	-	-	10	9	1	-
ADMINISTRATIVE APPEALS	131	47	-	20	10	8	-	-	-	2	27	10	2	15
ORIGINAL PROCEEDINGS	34	1	-	1	-	-	-	-	-	1	-	-	-	-
<b>NINTH CIRCUIT</b>	<b>8,515</b>	<b>3,252</b>	-	<b>1,365</b>	<b>623</b>	<b>37</b>	<b>23</b>	<b>222</b>	<b>136</b>	<b>324</b>	<b>1,887</b>	<b>1,280</b>	<b>556</b>	<b>51</b>
CRIMINAL	1,593	306	-	88	26	-	6	-	-	56	218	207	8	3
U.S. PRISONER PETITIONS	564	230	-	116	29	-	-	-	63	24	114	57	53	4
OTHER U.S. CIVIL	772	243	-	72	47	2	3	-	-	20	171	122	47	2
PRIV. PRISONER PETITIONS	1,625	966	-	565	218	1	3	222	73	48	401	183	208	10
OTHER PRIVATE CIVIL	2,476	1,017	-	295	195	29	7	-	-	64	722	560	152	10
BANKRUPTCY	292	103	-	24	12	3	3	-	-	6	79	56	21	2
ADMINISTRATIVE APPEALS	1,025	375	-	201	96	2	1	-	-	102	174	95	67	12
ORIGINAL PROCEEDINGS	168	12	-	4	-	-	-	-	-	4	8	-	-	8
<b>TENTH CIRCUIT</b>	<b>2,466</b>	<b>986</b>	-	<b>319</b>	<b>139</b>	<b>15</b>	<b>5</b>	<b>15</b>	<b>89</b>	<b>56</b>	<b>667</b>	<b>412</b>	<b>239</b>	<b>16</b>
CRIMINAL	370	78	-	35	23	3	-	-	-	9	43	34	7	2
U.S. PRISONER PETITIONS	336	172	-	67	17	-	3	-	42	5	105	28	77	-
OTHER U.S. CIVIL	283	77	-	18	11	3	-	-	-	4	59	43	15	1
PRIV. PRISONER PETITIONS	477	242	-	96	25	1	1	15	47	7	146	40	100	6
OTHER PRIVATE CIVIL	795	339	-	67	50	7	-	-	-	10	272	235	31	6
BANKRUPTCY	54	19	-	6	3	1	1	-	-	1	13	12	1	-
ADMINISTRATIVE APPEALS	103	52	-	23	10	-	-	-	-	13	29	20	8	1
ORIGINAL PROCEEDINGS	48	7	-	7	-	-	-	-	-	7	-	-	-	-

**Table B5-A. (Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appealability	Other	Total	FRAP 42*	Default	Other
<b>ELEVENTH CIRCUIT</b>	<b>6,070</b>	<b>2,255</b>	<b>21</b>	<b>1,085</b>	<b>388</b>	<b>383</b>	<b>30</b>	<b>75</b>	<b>67</b>	<b>142</b>	<b>1,149</b>	<b>373</b>	<b>759</b>	<b>17</b>
CRIMINAL	1,964	453	3	212	60	114	5	-	-	33	238	139	98	1
U.S. PRISONER PETITIONS	343	153	-	67	25	4	-	-	31	7	86	21	65	-
OTHER U.S. CIVIL	533	134	2	62	19	33	6	-	-	4	70	21	48	1
PRIV. PRISONER PETITIONS	1,015	644	-	229	102	5	4	75	36	7	415	47	366	2
OTHER PRIVATE CIVIL	1,639	646	15	358	130	210	13	-	-	5	273	128	140	5
BANKRUPTCY	122	58	1	24	11	13	-	-	-	-	33	8	25	-
ADMINISTRATIVE APPEALS	342	79	-	52	41	4	2	-	-	5	27	9	17	1
ORIGINAL PROCEEDINGS	112	88	-	81	-	-	-	-	-	81	7	-	-	7

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. JURIS DEFECTS = JURISDICTIONAL DEFECTS. CPC = CERTIFICATE OF PROBABLE CAUSE. CERT. APPEALABILITY = CERTIFICATE OF APPEALABILITY. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

\* VOLUNTARY DISMISSAL UNDER RULE 42(B), FEDERAL RULES OF APPELLATE PROCEDURE.