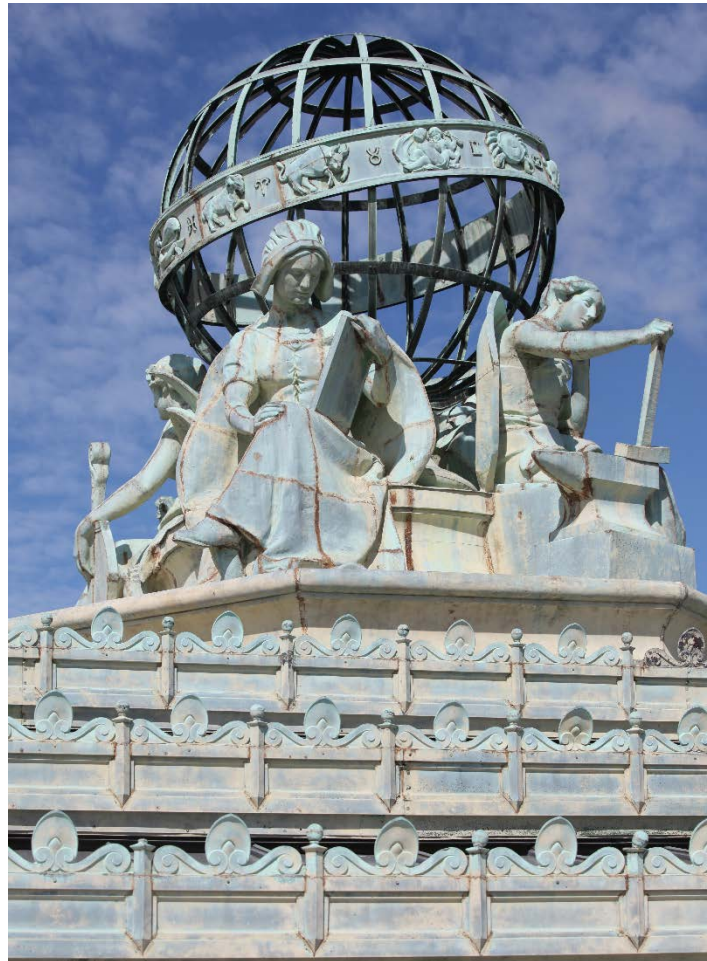


JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2019 - JUNE 2020

## 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, 2019, through June 30, 2020.

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>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>New Appeals</b>	7423	8675	7390	7347	7164	6593
<b>Terminations</b>	7350	7747	8214	7387	7377	6499
By Judges	4692	5007	5335	4692	4635	4192
By Clerk	1738	1827	1858	1857	1867	1480
By Consolidation	920	913	1021	838	875	827
<b>Pending Appeals</b>	4783	5713	4888	4848	4633	4723
<b>Total Cases Screened for Decision as to Oral Argument</b>	2750	2981	2887	2729	2721	2582
<b>Cases Sent to:</b>						
Summary Calendar	1555	1536	1655	1594	1221	1254
Conference Calendar	447	647	421	360	606	505
Oral Argument Calendar	748	798	811	775	893	823
Summary Calendar Rate	67.6%	65.8%	67.1%	67.3%	57.8%	60.4%
Conference & Summary Calendar Rate	72.8%	73.2%	72.0%	71.6%	67.2%	68.1%
<b>Cases Ready for Argument</b>	57	9	148	158	153	146
<b>Cases Pending Under Submission</b>	141	158	133	199	187	226
90-day Cases	41	55	47	59	70	105
<b>Total Opinions</b>	2963	3136	2995	2836	2870	2808
Published Opinions	371	422	457	372	473	487
Unpublished Opinions	2592	2714	2538	2464	2397	2321
Opinions per Active Judge	145	163	157	139	130	130
Publication Rate	12.5%	13.5%	15.3%	13.1%	16.5%	17.3%
Page Length of Published Opinions	15.0	14.3	12.6	14.0	13.5	13.4
<b>Participations per Active Judge in Opinions</b>	435	489	471	417	390	405
<b>En Banc Cases</b>	4	6	2	8	6	8
<b>Motions per Active Judge</b>	949	1232	1435	1204	1035	961

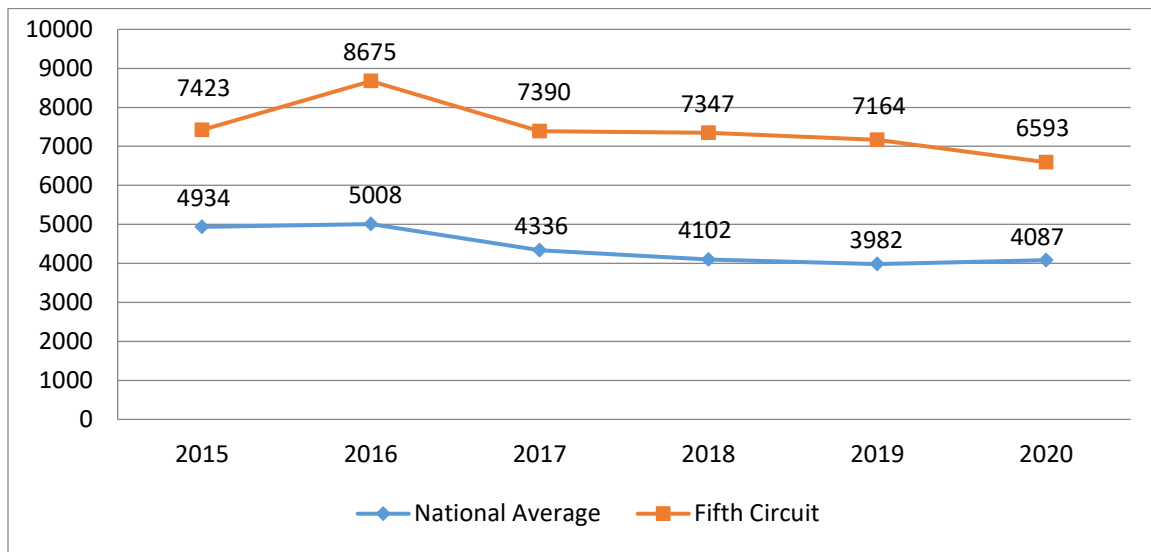


## A. NEW FILINGS

### 1. New Appeals Filed

The chart below shows the “new appeals” filing trends in comparison to the national average filing trends. We experienced a 571 appeal decrease (8.0%), from 7164 to 6593 appeals. Successive habeas petitions increased by 71 (14.1%) and BIA appeals increased by 184 (41.6%). Criminal appeals decreased by 244 (11.1%). Federal question appeals decreased by 218 (36.1%). Prisoner appeals decreased by 365 (18.5%).

**Table 1 - New Appeals Filed**



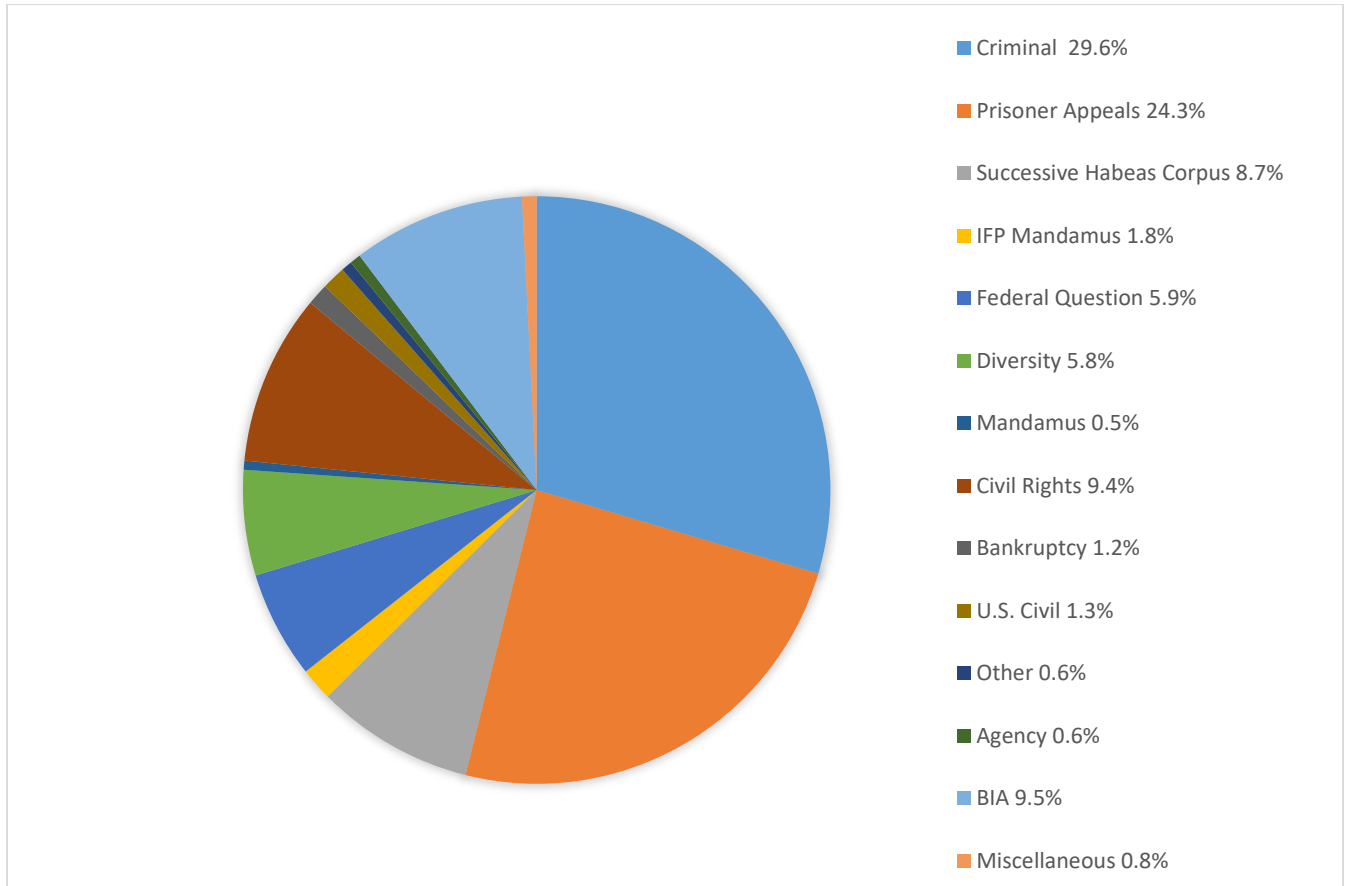
### 2. Source of New Appeals by Type

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2020 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	
	2015	2016	2017	2018	2019	2020	No.	%
Criminal	2523	3004	2310	2158	2197	1953	-244	-11.1
Prisoner Appeals	2124	2011	2074	2136	1971	1606	-365	-18.5
Successive Habeas Corpus	484	1304	728	497	503	574	+71	+14.1
IFP Mandamus	141	145	171	147	138	121	-17	-12.3
Federal Question	409	506	431	728	604	386	-218	-36.1
Diversity	392	379	439	371	345	383	+38	+11.0
U.S. Civil	111	80	125	98	119	87	-32	-26.9
Tax	12	9	7	8	13	6	-7	-53.8
Tax Court	12	9	16	15	16	15	-1	-6.3
Civil Rights	561	538	533	587	610	619	+9	+1.5
Bankruptcy	77	58	63	86	74	76	+2	+2.7
Social Security	37	23	18	7	16	21	+5	+31.3
BIA	399	330	350	393	442	626	+184	+41.6
Mandamus	29	33	38	27	29	30	+1	+3.4
Agency	69	124	46	44	47	38	-9	-19.1
Miscellaneous	43	122	41	45	40	52	+12	+30.0
	7423	8675	7390	7347	7164	6593	-571	-8.0

**Table 3 - 2020 New Appeals by Case Type**



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

### **3. New Appeals**

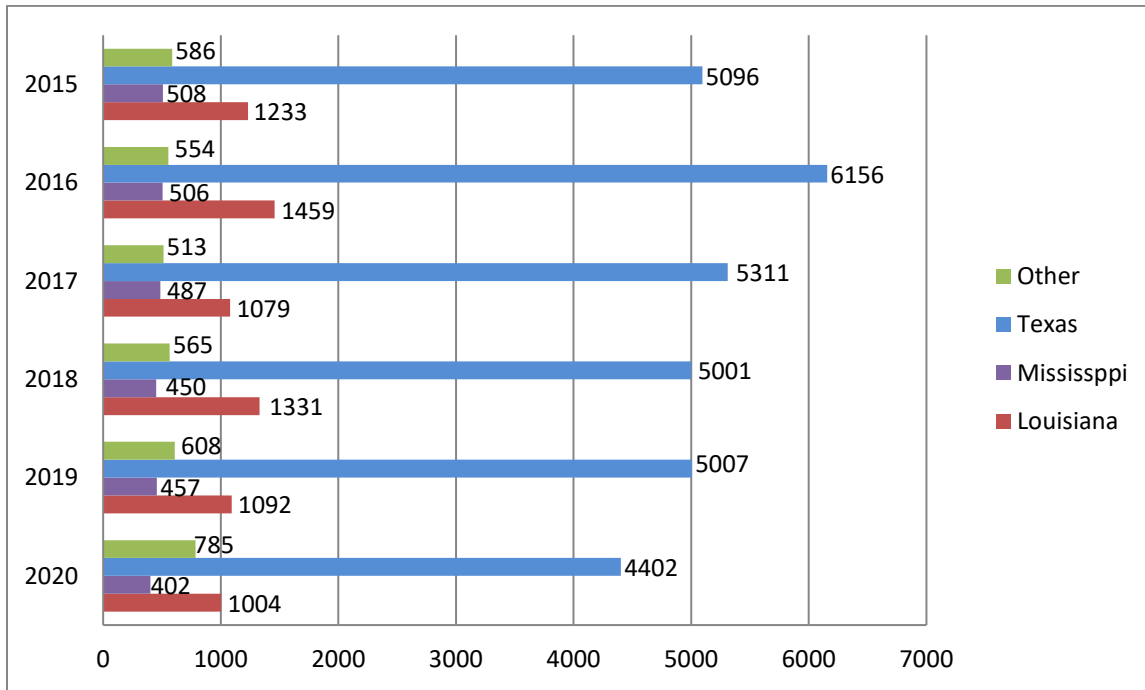
Middle Louisiana is the only one of the nine districts that showed an increase in appeals filed. Southern Texas decreased the most. Other appeals (Agency, Bankruptcy, U.S. Tax Court, BIA, and Mandamus) increased by 177 cases.

Table 4 - New Appeals by Source

	2015	2016	2017	2018	2019	2020	Change from Prior Year
Louisiana Eastern	552	623	575	807	537	408	-129
Louisiana Middle	203	173	148	164	153	195	+42
Louisiana Western	478	663	356	360	402	401	-1
<b>Subtotal</b>	<b>1233</b>	<b>1459</b>	<b>1079</b>	<b>1331</b>	<b>1092</b>	<b>1004</b>	<b>-88</b>
Mississippi Northern	163	155	132	136	129	123	-6
Mississippi Southern	345	351	355	314	328	279	-49
<b>Subtotal</b>	<b>508</b>	<b>506</b>	<b>487</b>	<b>450</b>	<b>457</b>	<b>402</b>	<b>-55</b>
Texas Northern	1309	1757	1634	1659	1654	1416	-238
Texas Southern	1891	2197	1797	1653	1532	1293	-239
Texas Eastern	590	623	600	534	605	509	-96
Texas Western	1306	1579	1280	1155	1216	1184	-32
<b>Subtotal</b>	<b>5096</b>	<b>6156</b>	<b>5311</b>	<b>5001</b>	<b>5007</b>	<b>4402</b>	<b>-605</b>
Agency	69	124	46	44	47	38	-9
Bankruptcy	77	58	63	86	74	76	+2
U.S. Tax Court	12	9	16	15	16	15	-1
BIA	399	330	350	393	442	626	+184
Mandamus	29	33	38	27	29	30	+1
<b>Subtotal</b>	<b>586</b>	<b>554</b>	<b>513</b>	<b>565</b>	<b>608</b>	<b>785</b>	<b>+177</b>
<b>Total</b>	<b>7423</b>	<b>8675</b>	<b>7390</b>	<b>7347</b>	<b>7164</b>	<b>6593</b>	<b>-571</b>

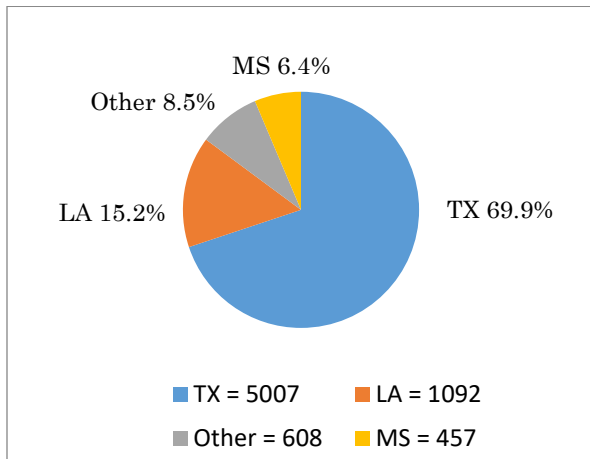
The graph below shows the six year trend of the appeals by state.

**Table 5 - New Appeals Trends**

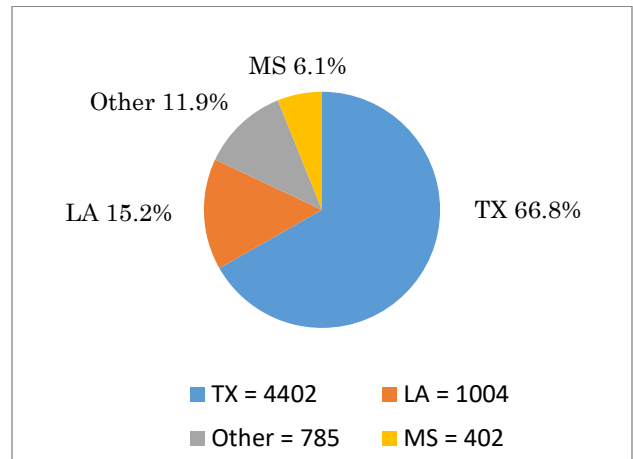


A comparison of the percentage of appeals by states for 2019 and 2020 is shown on the following charts:

**Table 6 – 2019 New Appeals**



**Table 7 – 2020 New Appeals**



## B. CLOSED APPEALS

### 1. Yearly Comparison

The court disposed of 878 less **appeals** this year, a decrease of 11.9%.

**Table 8 - Appeals and Cases Closed**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Change from Prior Year</b>	
All Appeals	7350	7747	8214	7387	7377	6499	-878	-11.9%
Cases	6430	6834	7193	6549	6502	5672	-830	-12.8%

### 2. Method of Disposition

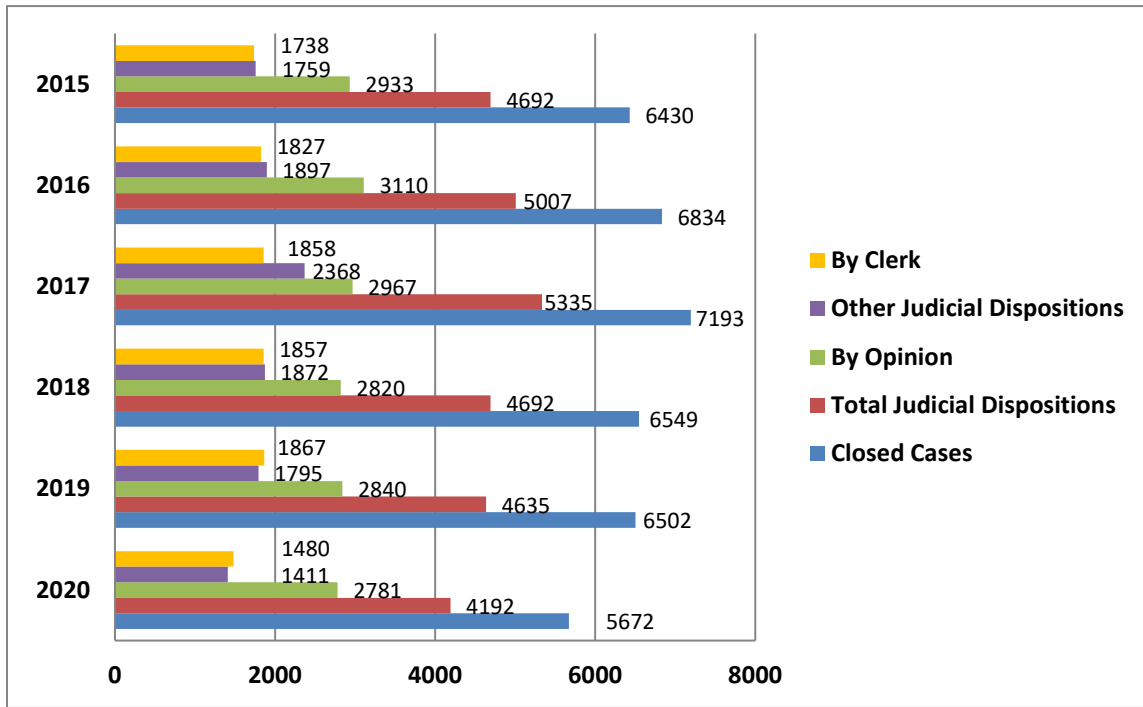
Overall, the court disposed of 830 fewer cases than last year. There were 59 fewer opinions, and other judicial dispositions decreased by 384. Clerk dispositions decreased by 387.

**Table 9 - Method of Disposition**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Change from Prior Year</b>	
By Opinion*	2933	3110	2967	2820	2840	2781	-59	
Other Judicial Dispositions	1759	1897	2368	1872	1795	1411	-384	
Total Judicial Dispositions	4692	5007	5335	4692	4635	4192	-443	
By Clerk	1738	1827	1858	1857	1867	1480	-387	
Closed Cases	6430	6834	7193	6549	6502	5672	-830	

\*Does not include 34 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 6499 **appeals** compared to 6593 filed. There are 4723 appeals pending compared to 4633 last year. There are 4071 cases pending this year compared with 3862 last year.

**Table 11 - Pending Appeals/Cases**

	2015	2016	2017	2018	2019	2020	Change from Prior Year
All Appeals Pending	4783	5713	4888	4848	4633	4723	+1.9%
Cases	4127	4907	4227	4111	3862	4071	+5.4%

The 4071 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 (6), the pending cases argued and awaiting decision increased from last year.

**Table 12 - Cases Under Submission**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Active Judges	122	136	105	137	167	200
Senior Judges	17	21	22	62	18	26
Visiting Judges	1	1	0	0	2	0
Total	140	158	127	199	187	226

**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 increased, 181 more than last year. This leaves 3839 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>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
<b>2020</b>	3839	6593	58.2

The 3839 unassigned cases fall into the following categories.

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

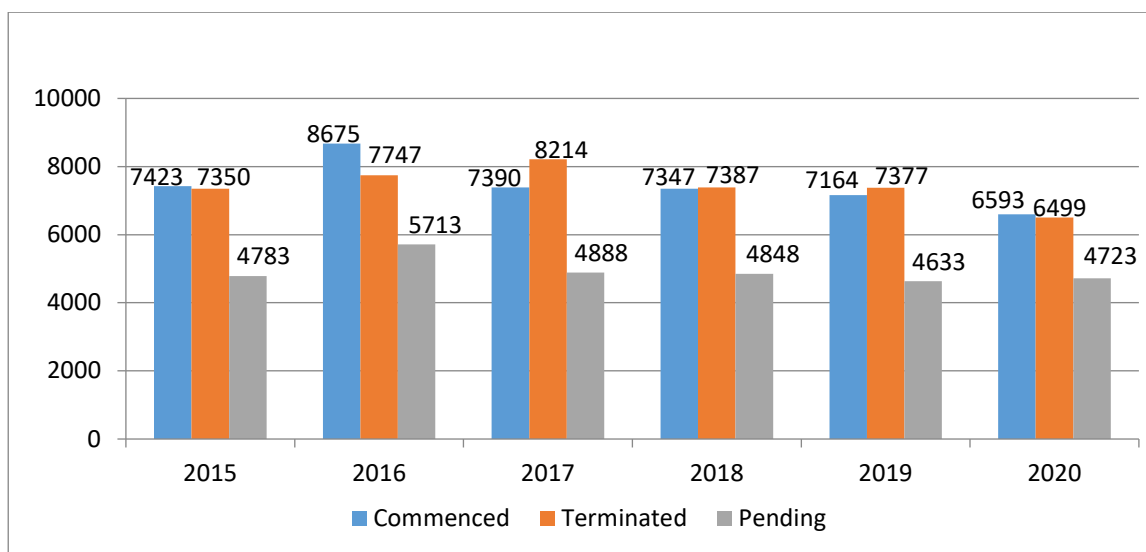
<b>Category</b>	<b>2019</b>	<b>2020</b>
(a) Already Briefed		
Calendared for Oral Argument	120	72
Briefed but Held in Abeyance	32	58
Awaiting Assignment to Oral Argument Calendar	153	146
Being Screened	753	807
Assignment to Augean Conference	30	21
Awaiting Assignment to Conference Calendar	0	2
<b>Subtotal</b>	<b>1088</b>	<b>1106</b>

Category	2019	2020
(b) Unbriefed Cases		
Pre-Briefing	1089	1245
Records Due	157	177
Being Briefed	1109	1175
Stayed/Held in Abeyance	98	51
Awaiting DC Action*	117	85
<b>Subtotal</b>	<b>2570</b>	<b>2733</b>
<b>Total</b>	<b>3658</b>	<b>3839</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

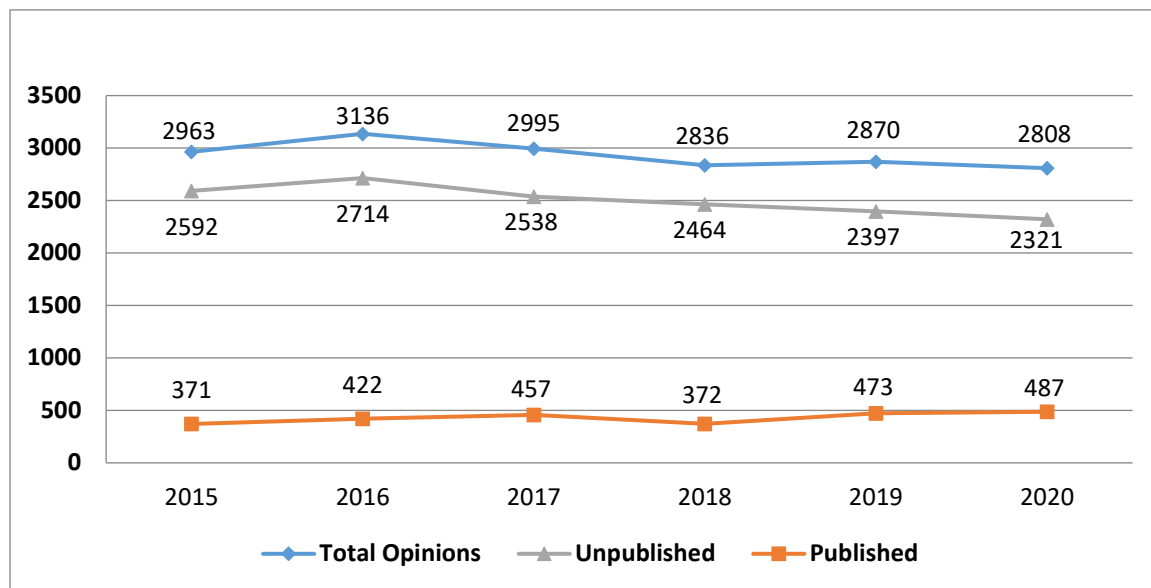
### 1. Number of Opinions, Published and Unpublished

The total number of opinions decreased by 62. 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
2015	2963	371	2592
2016	3136	422	2714
2017	2995	457	2538
2018	2836	372	2464
2019	2870	473	2397
2020	2808	487	2321

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



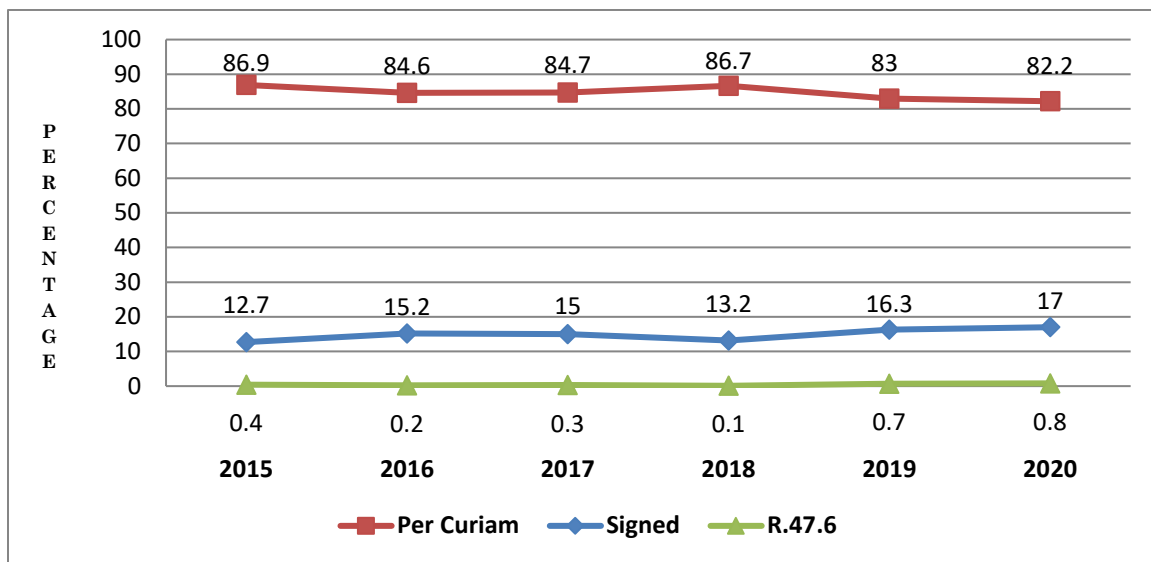
## 2. Types of Opinions

Signed opinions increased by 1.5% this year and per curiam opinions decreased by 3.0%.

**Table 18 - Types of Opinions**

Year	Signed	Per Curiam	Rule 47.6	Total
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%
2020	17.0%	82.2%	0.8%	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 increased by 32 from 1242 to 1274. The percentage of signed opinions on the summary calendar remained the same while per curiam opinions increased by 2.2%.

**Table 20 - Summary Calendar Opinions**

<b>Year</b>	<b>Signed</b>	<b>Per Curiam</b>	<b>Rule 47.6</b>	<b>Total</b>
<b>2015</b>	1.1%	98.5%	0.4%	100.0%
<b>2016</b>	4.9%	94.8%	0.3%	100.0%
<b>2017</b>	2.7%	96.9%	0.4%	100.0%
<b>2018</b>	1.4%	98.5%	0.1%	100.0%
<b>2019</b>	1.9%	97.2%	0.9%	100.0%
<b>2020</b>	1.8%	96.9%	1.3%	100.0%

(b) Oral Argument Calendar

Signed opinions on the oral argument calendar increased this year by 1.8%. Per curiam opinions increased by 0.9%.

**Table 21 - Oral Argument Opinions**

<b>Year</b>	<b>Signed</b>	<b>Per Curiam</b>	<b>Rule 47.6</b>	<b>Total</b>
<b>2015</b>	37.8%	61.5%	0.7%	100.0%
<b>2016</b>	42.9%	56.9%	0.2%	100.0%
<b>2017</b>	44.3%	55.5%	0.2%	100.0%
<b>2018</b>	40.5%	59.4%	0.1%	100.0%
<b>2019</b>	43.7%	55.5%	0.8%	100.0%
<b>2020</b>	44.0%	55.4%	0.6%	100.0%

(c) Conference Calendar

There were 505 conference calendar opinions this year compared to 610 last year.

**4. Published and Unpublished Opinions**

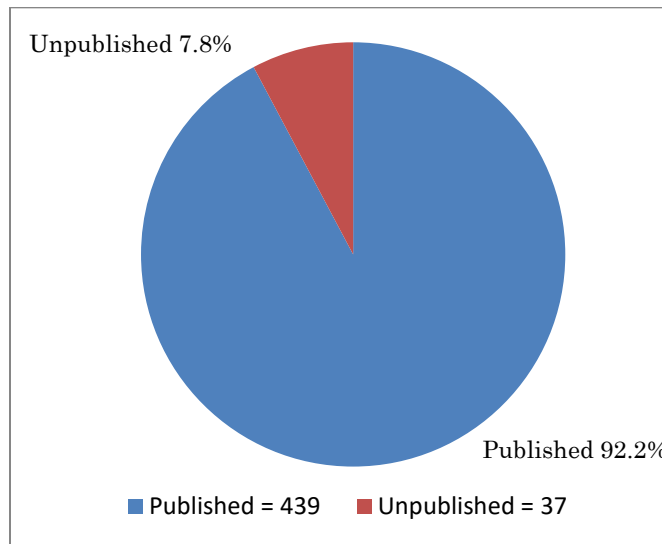
Of the 2808 opinions, 487 (17.3%) were published. The number of published opinions increased by 14 from the preceding year.

(a) Number and Percentage - 2020

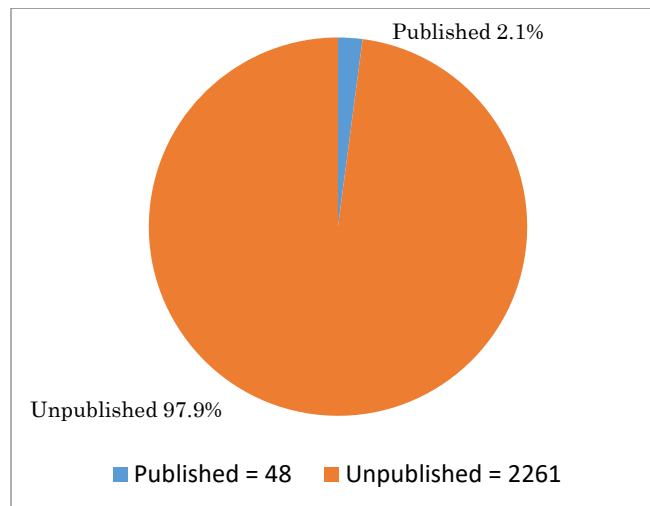
**Table 22 - Opinion Number and Percentage 2020**

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	439	92.2	37	7.8	476
Per Curiam Opinions	48	2.1	2261	97.9	2309
Rule 47.6 Opinions	0	0.0	23	100.0	23
Total	487	17.3	2321	82.7	2808

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



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

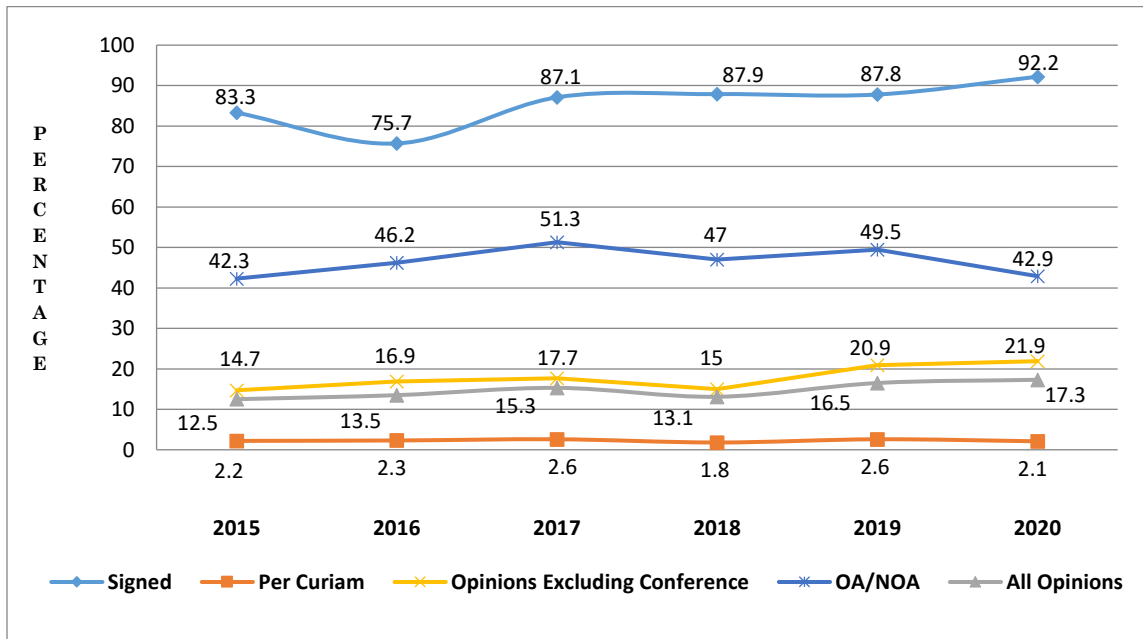


(b) Percentage Comparison (Published) - 2015 - 2020

**Table 25 - Published Opinion Percentage**

	% Published					
	2015	2016	2017	2018	2019	2020
Signed Opinions	83.3	75.7	87.1	87.9	87.8	92.2
Per Curiam Opinions	2.2	2.3	2.6	1.8	2.6	2.1
Opinions Excluding Conference Calendar	14.7	16.9	17.7	15.0	20.9	21.9
Oral Argument/No Oral Argument	42.3	46.2	51.3	47.0	49.5	42.9
All Opinions	12.5	13.5	15.3	13.1	16.5	17.3

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



(c) Length of Published Opinions

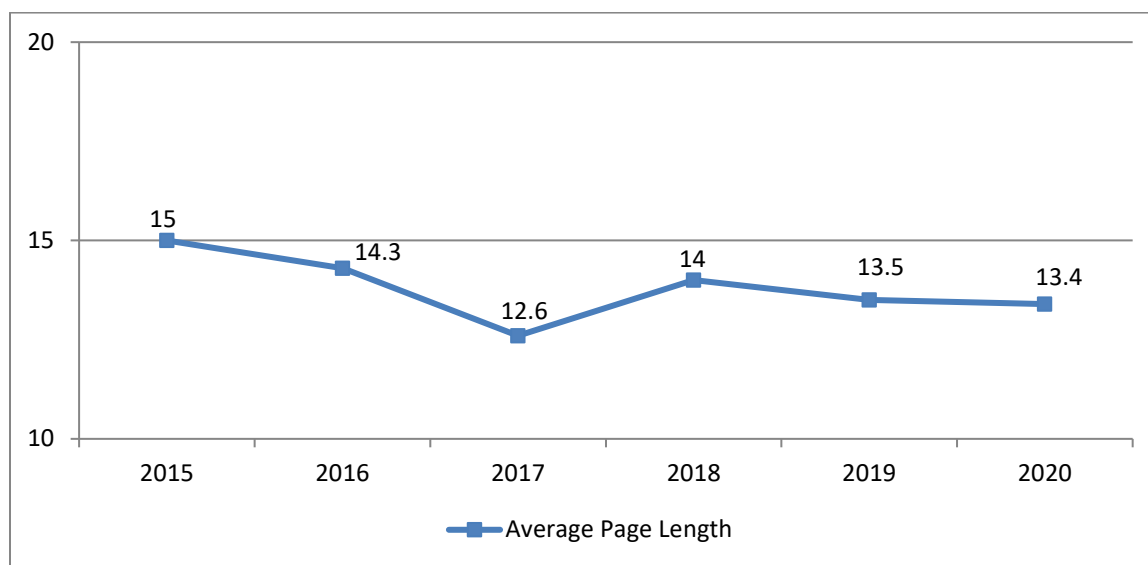
The average page length of opinions is down 0.7% from 2019.



**Table 27 - Average Page Length**

<b>Year</b>	<b>Page Length</b>
2015	15.0
2016	14.3
2017	12.6
2018	14.0
2019	13.5
2020	13.4

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



**5. Reversal Rate**

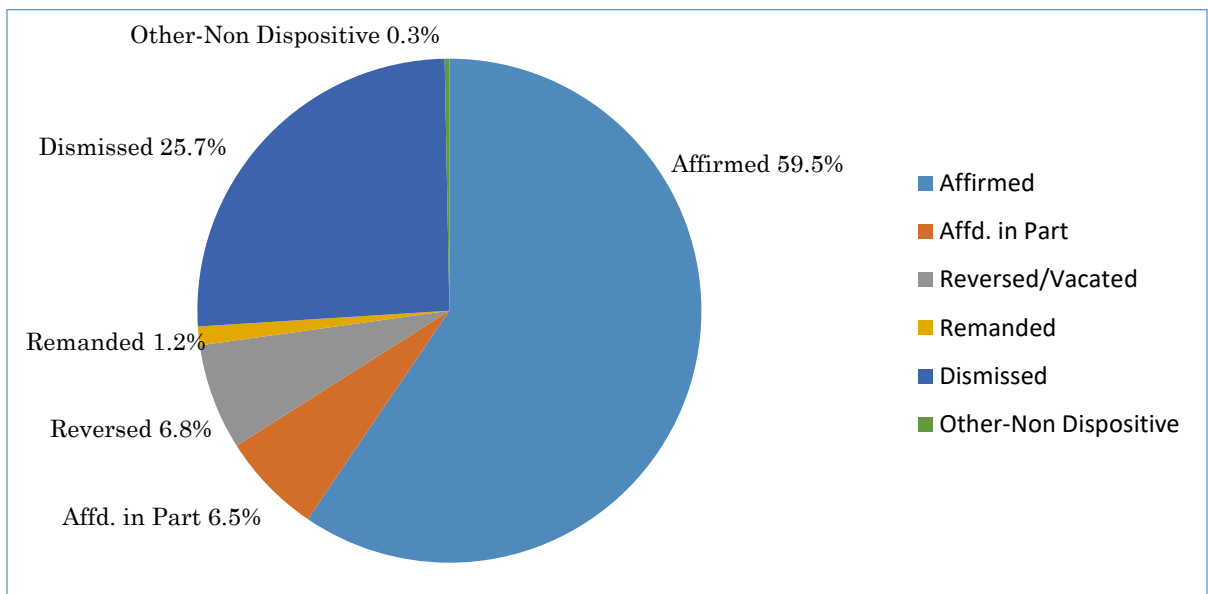
The 2020 reversed/vacated rate of 6.8% is less than the 8.1% reversed/vacated rate in 2019.

**Table 29 - Reversal Rate**

	2020								2019
	Summary		Hearing		Conference Calendar		Overall		Overall
	No.	%	No.	%	No.	%	No.	%	%
Affirmed	1023	80.2	648	63.0	0	0.0	1671	59.5	53.8
Affd. In Part	74	5.8	108	10.5	0	0.0	182	6.5	6.4
Dismissed	127	10.0	90	8.7	505	100.0	722	25.7	30.2
Remanded	11	0.9	22	2.1	0	0.0	33	1.2	1.3
Transferred	0	0.0	0	0.0	0	0.0	0	0.0	0.0
Reversed/Vacated*	39	3.1	153	14.9	0	0.0	192	6.8	8.1
Other-Non Dispositive	0	0.0	8	0.8	0	0.0	8	0.3	0.2
<b>Total</b>	<b>1274</b>	<b>100.0</b>	<b>1029</b>	<b>100.0</b>	<b>505</b>	<b>100.0</b>	<b>2808</b>	<b>100.0</b>	<b>100.0</b>

\*The reversed and vacated categories are being 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, 2019, through June 30, 2020 remained the same from the previous year.

### **2. Opinion Output - Overall - 2015 - 2020**

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>
<b>2015<sup>1</sup></b>	2182	781	2963	145
<b>2016<sup>2</sup></b>	2436	700	3136	163
<b>2017<sup>3</sup></b>	2198	797	2995	157
<b>2018<sup>4</sup></b>	1736	1100	2836	139
<b>2019<sup>5</sup></b>	1941	929	2870	130
<b>2020<sup>6</sup></b>	2086	722	2808	130

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<sup>1</sup> In 2015, there were 15 active judges, 7 non-active judges and 10 visiting judges.

<sup>2</sup> In 2016, there were 15 active judges, 6 non-active judges and 7 visiting judges.

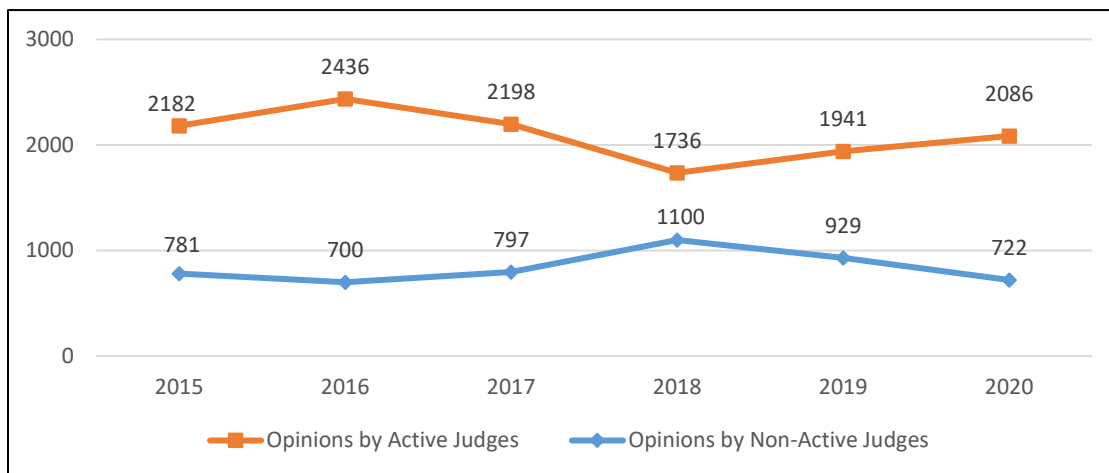
<sup>3</sup> In 2017, there were 14 active judges, 7 non-active judges and 2 visiting judges.

<sup>4</sup> In 2018, there were 16 active judges, 9 non-active judges and 2 visiting judges.

<sup>5</sup> In 2019, there were 16 active judges, 9 non-active judges and 2 visiting judges.

<sup>6</sup> In 2020, there were 16 active judges, 9 non-active judges and 2 visiting judges.

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



### **3. Overall Workload**

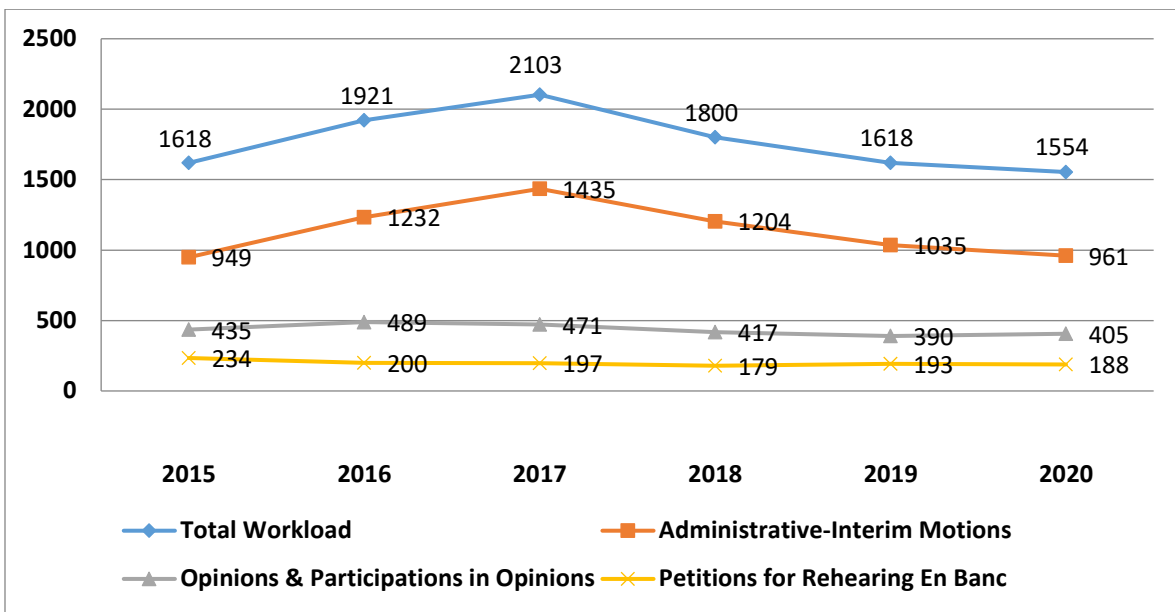
The average opinions per active judge does not give a complete measure of the active judges' overall workload. Participation in other panel members' opinions in fully briefed cases, conference calendar panels, Auguean conference panels, as well as consideration of petitions for rehearing en banc and administrative-interim motions are also other important work factors. Overall, active judges handled 64 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					
	2015	2016	2017	2018	2019	2020
Opinions and Participations in Opinions*	435	489	471	417	390	405
Petitions for Rehearing En Banc	234	200	197	179	193	188
Administrative-Interim Motions	949	1232	1435	1204	1035	961
<b>Total Workload</b>	<b>1618</b>	<b>1921</b>	<b>2103</b>	<b>1800</b>	<b>1618</b>	<b>1554</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 a decrease in percentage of cases

sent to the oral argument calendar.

**Table 35 - Screening Classifications**

CLASS								
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total	
	No.	%	No.	%	No.	%	No.	%
<b>2015</b>	2002 <sup>1</sup>	72.8	745	27.1	3	0.1	2750 <sup>1</sup>	100.0
<b>2016</b>	2183 <sup>2</sup>	73.2	798	26.8	0	0.0	2981 <sup>2</sup>	100.0
<b>2017</b>	2076 <sup>3</sup>	71.9	810	28.1	1	0.0	2887 <sup>3</sup>	100.0
<b>2018</b>	1954 <sup>4</sup>	71.6	772	28.3	3	0.1	2729 <sup>4</sup>	100.0
<b>2019</b>	1827 <sup>5</sup>	67.2	889	32.7	4	0.1	2720 <sup>5</sup>	100.00
<b>2020</b>	1759 <sup>6</sup>	68.1	820	31.8	3	0.1	2582 <sup>6</sup>	100.00
<b>Total</b>	11,801 <sup>7</sup>	70.9	4,834	29.0	14	0.1	16,649 <sup>7</sup>	100.0

Argument was held in 55.3% of the 823 cases designated as Class III and IV.

<sup>1</sup> Includes 447 conference calendar opinions.

<sup>2</sup> Includes 647 conference calendar opinions.

<sup>3</sup> Includes 421 conference calendar opinions.

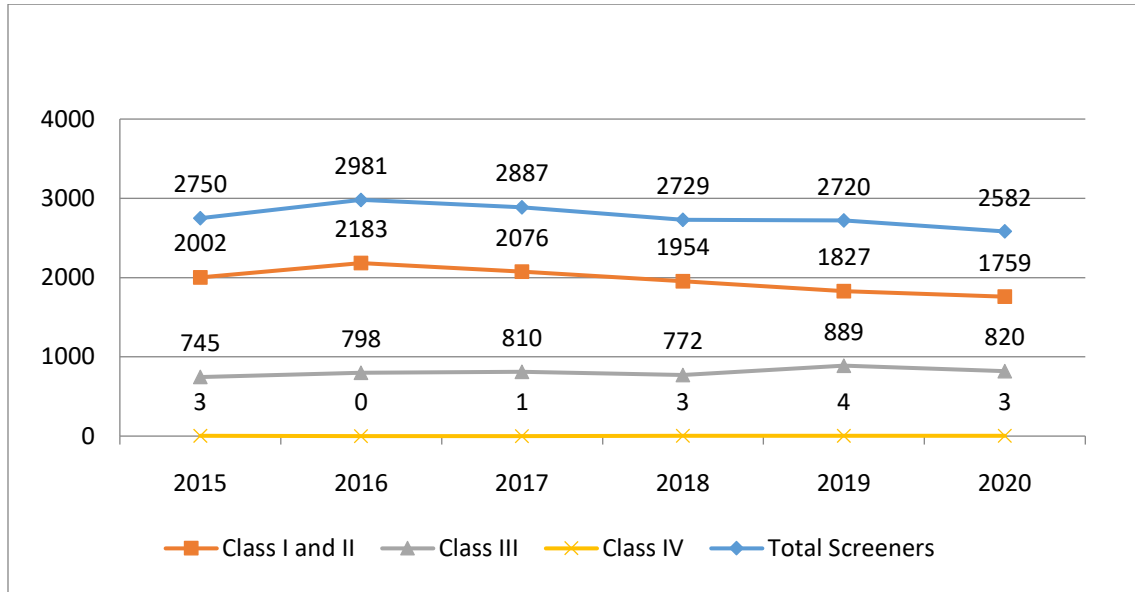
<sup>4</sup> Includes 360 conference calendar opinions.

<sup>5</sup> Includes 610 conference calendar opinions.

<sup>6</sup> Includes 505 conference calendar opinions.

<sup>7</sup> Includes 2990 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 (%)					
	2015	2016	2017	2018	2019	2020
CRIMINAL DIRECT	86.5	88.0	84.3	86.5	85.2	86.1
CRIMINAL NON-DIRECT	85.2	91.7	91.6	96.2	85.3	82.3
PRISONER CASES						
W/cnsl	18.7	35.0	25.0	34.6	37.0	11.8
W/O cnsl	86.5	86.3	89.5	87.0	76.7	69.3

	<b>Summary Calendar Percentage (%)</b>					
<b>Case Type</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
2255						
W/cnsl	0.0	0.0	25.0	16.7	31.3	37.9
W/O cnsl	40.0	36.4	61.5	91.7	60.0	70.0
CIVIL						
Diversity	39.8	39.8	41.0	30.4	33.0	41.1
Federal Question	30.2	28.5	27.7	27.4	29.1	25.7
U.S. Civil	40.3	42.1	29.5	30.2	25.6	41.5
Tax	50.0	0.0	50.0	0.0	33.3	0.0
Bankruptcy	28.9	24.4	37.1	28.1	22.6	29.8
Civil Rights	50.6	46.0	37.6	40.1	38.0	34.5
BIA	86.6	84.6	81.9	85.8	79.6	68.7
Tax Court	33.3	33.3	33.3	33.3	75.0	46.7
Other Agency	31.2	15.2	30.8	10.0	22.2	19.0
Social Security	66.7	81.0	81.8	37.5	75.0	100.0
Mandamus	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>72.8</b>	<b>73.2</b>	<b>72.0</b>	<b>71.6</b>	<b>67.2</b>	<b>68.1</b>



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

The court received 198 petitions for en banc rehearing, an increase of 8 from the prior year (190). Parties requested en banc rehearing in 7.1% of the cases with opinions. The court acted upon 188 petitions for en banc rehearing and 22 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 177 cases, 11 of which were after a poll. The court granted four petitions for rehearing en banc by the parties. In four other cases, the court sua sponte granted en banc rehearing. See **Enclosure D**, page 31.

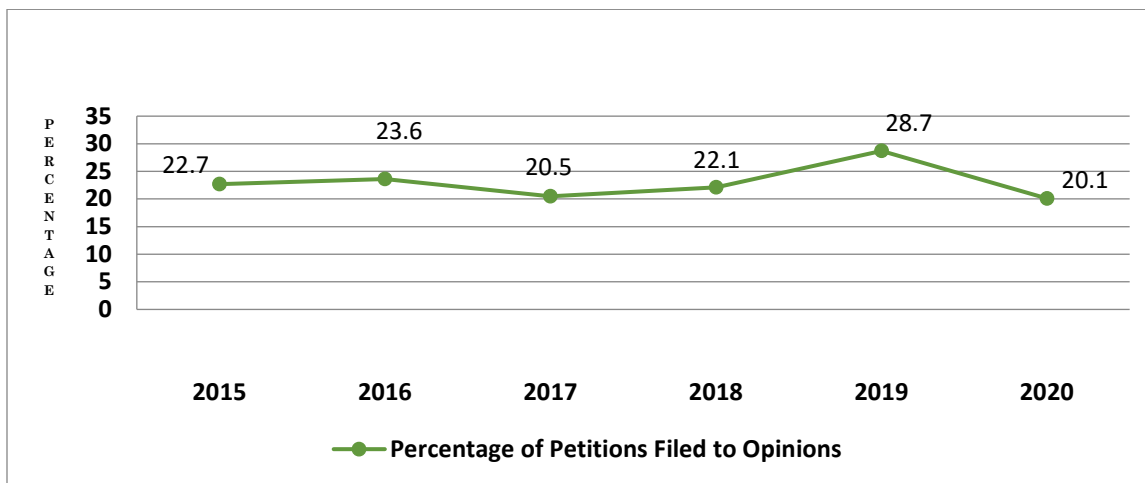
## I. PETITIONS FOR CERTIORARI

The number of petitions filed is as follows:

**Table 38 - Petitions for Certiorari**

<b>Petitions Filed</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Criminal	327	440	349	304	259	251
U.S. Civil	70	56	59	67	83	75
Private Civil	269	238	194	244	282	227
Administrative Appeals	8	5	12	11	10	11
<b>TOTAL</b>	<b>674</b>	<b>739</b>	<b>614</b>	<b>626</b>	<b>634</b>	<b>564</b>
<b>Opinions Rendered</b>	<b>2963</b>	<b>3136</b>	<b>2995</b>	<b>2836</b>	<b>2870</b>	<b>2808</b>
<b>% of Petitions filed to Opinions</b>	<b>22.7</b>	<b>23.6</b>	<b>20.5</b>	<b>22.1</b>	<b>28.7</b>	<b>20.1</b>

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



The Supreme Court took action on 594 cases from our Court compared with 636 last year. The Court granted 19 petitions, 6 more than last year, or 3.20% of the total. (For additional information, see **Enclosure E**, page 32.)

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

The administrative-interim motions decreased to 3383 from 3653 last year, to an average of 211 initiating actions per active judge. When panel matters are considered, each judge acted on 961 such motions, down from 1035 last year. See **Enclosure F**, page 33, for other details.

## Table of New Appeals Docketed by Case Type as of 6/30/2020

CASE TYPE	(a)	(b)		(c)	(d)												
	MO. % 2019-2020	CUMULATIVE % 18-19	CUMULATIVE % 19-20	2018 2019	2019 2020	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
CRIMINAL CASES	30.23%	30.61%	29.62%	2,193	1,953	193	190	154	170	158	168	172	170	189	70	110	208
PRISONER CASES																	
w/counsel	3.19%	2.07%	2.29%	148	151	12	16	17	15	12	8	11	8	8	17	7	20
w/o counsel	16.29%	25.50%	22.07%	1,827	1,455	133	126	121	169	119	126	103	98	146	125	87	102
Succ Habeas	9.24%	7.02%	8.71%	503	574	47	59	56	57	49	41	43	46	38	47	32	59
Non-Pd Mandamus	2.24%	1.93%	1.84%	138	121	8	8	13	15	5	11	17	2	15	9	4	14
SUB-TOTAL	64.38%	67.13%	64.52%	4,809	4,254	393	399	361	426	343	354	346	325	396	268	240	403
CIVIL																	
Private Civil	9.74%	13.20%	11.66%	946	769	66	70	68	58	56	63	48	58	104	79	38	61
Diversity	5.27%	4.82%	5.81%	345	383	33	41	30	26	29	32	18	32	52	33	24	33
Fed. Quest.	4.47%	8.39%	5.85%	601	386	33	29	38	32	27	31	30	26	52	46	14	28
U.S. CIVIL	1.12%	1.68%	1.32%	120	87	3	9	9	4	7	12	8	5	9	3	11	7
Tax	0.00%	0.18%	0.09%	13	6	0	0	2	0	0	0	0	0	0	1	3	0
Tax Court	0.00%	0.22%	0.23%	16	15	2	0	1	3	0	0	4	4	0	0	1	0
Bankruptcy	0.80%	1.03%	1.15%	74	76	12	5	11	4	5	7	8	3	5	5	8	5
BIA	12.30%	6.17%	9.49%	442	626	63	40	47	52	41	40	48	43	67	48	60	77
Other Agency	0.80%	0.66%	0.58%	47	38	4	5	4	1	0	2	4	0	5	6	2	5
Civil Rights	9.42%	8.54%	9.39%	612	619	74	63	56	59	30	43	34	40	59	60	42	59
Soc. Security	0.96%	0.22%	0.32%	16	21	0	2	0	0	1	0	2	1	3	1	5	6
Mandamus	0.32%	0.40%	0.46%	29	30	2	2	2	2	2	2	1	3	3	4	4	2
Miscellaneous	0.16%	0.56%	0.79%	40	52	4	4	5	6	2	4	8	5	4	6	3	1
SUB-TOTAL	35.62%	32.87%	35.48%	2,355	2,339	230	200	205	189	144	172	167	162	257	213	177	223
<b>TOTAL APPEALS</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>7,164</b>	<b>6,593</b>	<b>623</b>	<b>599</b>	<b>566</b>	<b>615</b>	<b>487</b>	<b>526</b>	<b>513</b>	<b>487</b>	<b>653</b>	<b>481</b>	<b>417</b>	<b>626</b>

Legend:

- Col: (a): Monthly Percentage Make-Up of the New Filings  
 (b): The Cumulative Percentage for the corresponding months in 18-19 compared with 19-20  
 (c): The Cumulative Total Filings for the corresponding months in 18-19  
 (d): The Cumulative Total for 19-20

**WORKLOAD PER ACTIVE JUDGE**

I.	SUMMARY CALENDAR CASES*			
(a)	Opinions or dispositions as initiating judge	51		
(b)	Participations in opinions or dispositions of other panel members		102	
(c)	Sub-total summary calendar cases			153
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	52		
(b)	Participations in opinions or dispositions of other panel members		104	
(c)	Sub-total oral argument cases			156
IV.	TOTAL OPINIONS (I(a), II(a), III (a))*	135		
V.	TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b), III (b))*		270	
VI.	TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c), III (c))*			405
VII.	PETITIONS FOR REHEARING EN BANC			188
VIII.	ADMINISTRATIVE-INTERIM MATTERS			
(a)	Single Judge Matters	124		
(b)	Participation in panel matters as initiating judge	279		
(c)	Participation in panel matters of other panel members		558	
(d)	Sub-total administrative - interim matters			961
IX.	TOTAL MATTERS PARTICIPATED IN PER JUDGE			1554

\* 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, 2019 - June 30, 2020

<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	488	661	185	1	1335	86.1
CRIMINAL NON-DIRECT	29	64	20	0	113	82.3
PRISONER CASES						
HC-W	0	1	7	0	8	12.5
HC-W/O	6	39	15	0	60	75.0
1983-W	0	1	7	0	8	12.5
1983-W/O	12	66	16	0	94	83.0
O. Pris.-W	0	0	1	0	1	0.0
O. Pris. W/O	1	10	1	0	12	91.7
2255-W	2	9	18	0	29	37.9
2255-W/O	1	6	3	0	10	70.0
CIVIL						
Diversity	1	71	103	0	175	41.1
Fed. Question	6	42	138	1	187	25.7
U.S. Civil	0	22	31	0	53	41.5
Tax	0	0	1	0	1	0.0
Bankruptcy	1	13	33	0	47	29.8
Civ. Rights	4	86	170	1	261	34.5
BIA	0	101	46	0	147	68.7
Tax Court	0	7	8	0	15	46.7
Other Agency	0	4	17	0	21	19.0
Social Security	0	5	0	0	5	100.00
Mandamus	0	0	0	0	0	0.0
<b>TOTAL*</b>	<b>551</b>	<b>1208</b>	<b>820</b>	<b>3</b>	<b>2582</b>	<b>68.1</b>

\*Includes 505 Conference Calendar Cases.

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

<u>7/1/2019 - 6/30/2020</u>		<b>TOTAL</b>
<b>TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR</b>		12
<b>Petitions for Rehearing En Banc FILED this Year</b>		198
<b>Petitions for Rehearing En Banc DENIED</b>		177
w/poll vote	11	
w/o poll vote	166	
<b>En Banc GRANTED</b>		8
On Petition With Oral Argument	4	
On Petition Without Oral Argument	0	
Sua Sponte En Banc With Oral Argument	4	
Sua Sponte En Banc Without Oral Argument	0	
<b>Disposed of by Other Means</b>		3
<b>TOTAL PENDING AS OF 6/30/2020</b>		<b>22</b>

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

**SUMMARY**

**PERIOD: JULY 1, 2019 - JUNE 30, 2020**

TYPE	PENDING 6/30/2019	NUMBER FILED	TYPE OF DISPOSITION				PENDING 6/30/2020
			GRANTED	DENIED	DISMISSED	REMOVED	
TOTAL	96	564	19	549	8	1	83
CRIM	31	251	10	232	3	1	36
USC	12	75	3	68	1	0	15
PRIV. CIV.	52	227	4	240	4	0	31
ADM*	1	11	3	9	0	0	1

\*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 2020)**

Motion to or for:	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	TOTALS
<b>Dismiss</b>	23	22	27	34	18	30	16	19	34	23	20	34	300
<b>Reinstate Appeal</b>	2	6	2	0	5	1	3	1	2	1	0	3	26
<b>Appointment of Counsel</b>	12	11	8	8	5	4	1	3	7	2	4	5	70
<b>Expedite Hearing, for Continuance, or Special Assignment</b>	3	2	2	2	1	1	7	3	5	3	1	2	32
<b>Stay or for Injunction and/or Supersedeas Pending Appeal</b>	16	17	17	13	14	16	23	7	15	17	13	32	200
<b>Supplement the Record</b>	2	4	4	9	5	6	3	10	3	6	8	7	67
<b>Strike Briefs, Designations for Printing, etc</b>	1	2	1	0	2	1	1	0	1	2	0	1	12
<b>Excess Pages in Brief</b>	0	0	2	1	0	1	0	4	2	2	3	1	16
<b>Bail Pending Appeal</b>	2	1	1	3	1	0	1	3	4	4	1	0	21
<b>Interlocutory Appeal (Sec. 1292(b))</b>	4	1	3	3	2	0	2	2	5	2	3	1	28
<b>Jurisdiction</b>	39	42	18	41	36	21	42	18	25	45	24	26	377
<b>Withdraw as Counsel</b>	6	5	5	13	11	8	8	5	13	7	5	8	94
<b>Extensions of Time</b>	32	29	18	23	18	23	18	14	22	26	26	36	285
<b>Certificate of Appealability/Additional COA Issues</b>	50	29	28	32	20	18	16	24	40	38	33	42	370
<b>Leave to Appeal In Forma Pauperis</b>	19	23	23	14	18	19	14	14	20	8	18	17	207
<b>Issuance of COA and Leave to Appeal In Forma Pauperis</b>	11	9	12	12	8	9	10	9	13	12	7	17	129
<b>Mandamus or Prohibition</b>	7	2	6	8	12	3	6	8	10	17	6	7	92
<b>Successive Petitions</b>	38	30	27	47	39	39	37	15	33	30	25	36	396
<b>Miscellaneous Motions</b>	64	60	40	67	48	47	56	46	49	55	59	70	661
<b>TOTALS</b>	<b>331</b>	<b>295</b>	<b>244</b>	<b>330</b>	<b>263</b>	<b>247</b>	<b>264</b>	<b>205</b>	<b>303</b>	<b>300</b>	<b>256</b>	<b>345</b>	<b>3,383</b>