

JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2012 - JUNE 2013

## P R E F A C E

This report provides information on the judicial business of the United States Court of Appeals for the Fifth Circuit for the period from July 1, 2012 through June 30, 2013.

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 (i).



LYLE W. CAYCE  
CLERK

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## SUMMARY OF ANNUAL REPORT

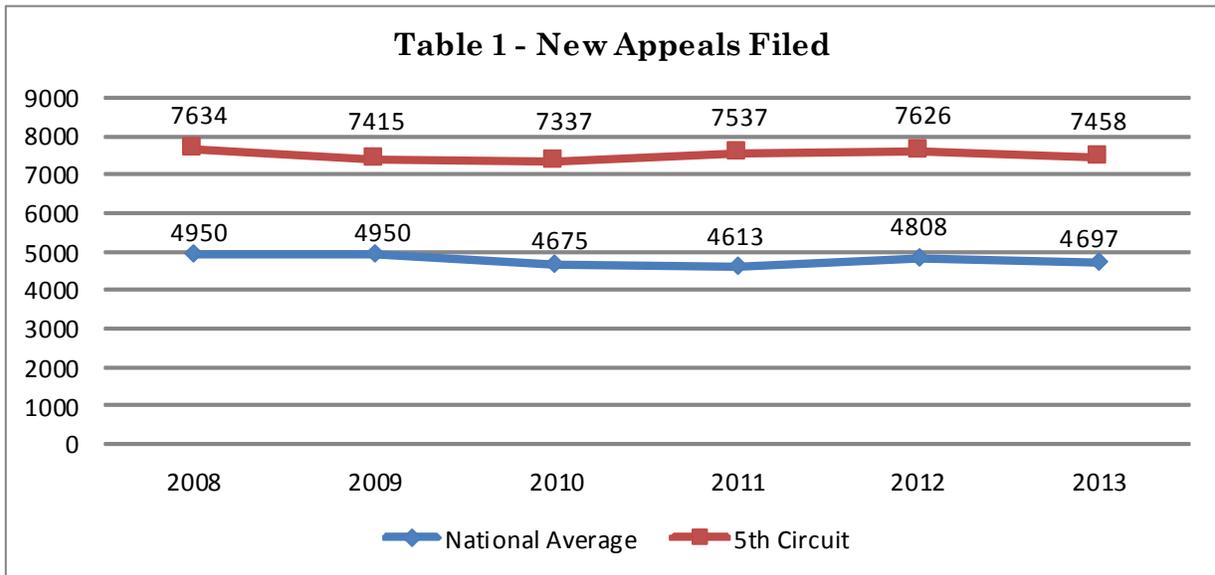
The following summarizes the court's judicial business:

	2008	2009	2010	2011	2012	2013
<b>New Appeals</b>	7634	7415	7337	7537	7626	7458
<b>Terminations</b>	7925	7266	7625	7801	7403	7501
By Judges	5827	4772	5045	4940	4671	4834
By Clerk	2098	1861	1869	2008	1880	1800
By Consolidation	669	633	711	853	852	867
<b>Pending Appeals</b>	4883	5031	4744	4479	4772	4730
<b>Total Cases Screened for Decision as to Oral Argument</b>	3548	2934	2999	3076	2886	2857
<b>Cases Sent to:</b>						
Summary Calendar	1627	1546	1681	1772	1641	1663
Conference Calendar	1054	578	534	411	414	394
Oral Argument Calendar	867	810	784	893	831	800
Summary Calendar Rate	65.2%	65.6%	68.2%	66.5%	66.4%	67.5%
Conference & Summary Calendar Rate	75.6%	72.4%	73.9%	71.0%	71.2%	72.0%
<b>Cases Ready for Argument</b>	174	98	89	41	130	79
<b>Cases Pending Under Submission</b>	165	174	139	173	143	167
90-day Cases	76	78	55	75	44	67
<b>Total Opinions</b>	3778	3149	3210	3192	3024	3012
Published Opinions	481	421	400	416	370	369
Unpublished Opinions	3297	2728	2810	2776	2654	2643
Opinions per Active Judge	210	158	164	166	144	154
Publication Rate	12.7%	13.4%	12.5%	13.0%	12.2%	12.2%
Page Length of Published Opinions	8.1	8.8	8.6	7.9	9.1	14.4
<b>Participations per Active Judge in Opinions</b>	630	474	492	498	432	462
<b>En Banc Cases</b>	3	4	6	5	6	6
<b>Motions per Active Judge</b>	1124	872	937	937	1063	1001

**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 168 appeal decrease (2.2%), to 7458 appeals. Criminal appeals dropped by 372, (13.8%) and prisoner appeals decreased by 121 (5.5%). Federal question appeals increased by 186 (45.0%), and successive habeas corpus petitions rose by 80 (19.5%).



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

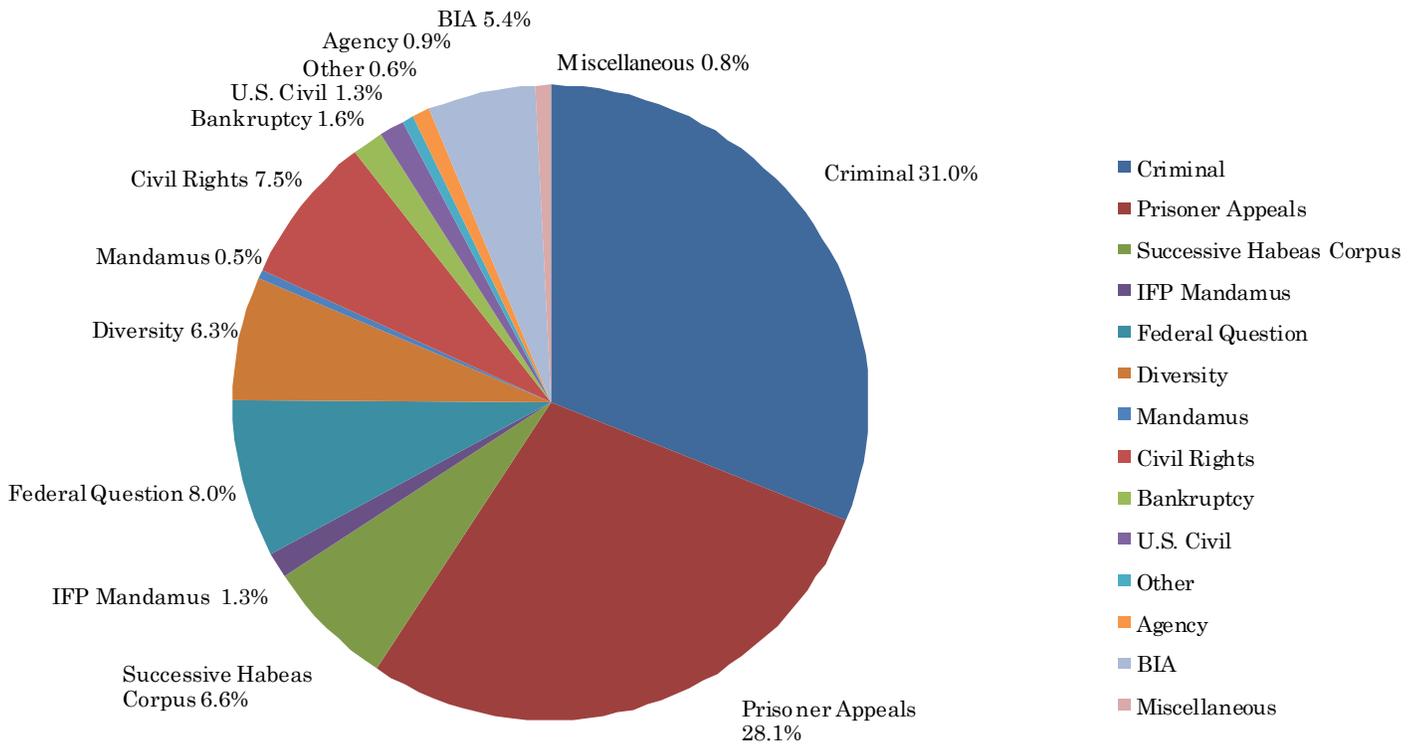
The source of appeals by type is found in the following tables, the first shows the six year trend; the second graphically displays the 2013 data. (See also column (d) of the monthly cumulative report of new appeals by type at **Enclosure A**, page 26.)

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

TYPE	YEAR						Change from '12	
	2008	2009	2010	2011	2012	2013	No.	%
Criminal	2419	2651	2362	2493	2688	2316	-372	-13.8
Prisoner Appeals	2411	2244	2322	2371	2218	2097	-121	-5.5
Successive Habeas Corpus	367	314	364	410	410	490	+80	+19.5
IFP Mandamus	67	73	95	100	104	100	-4	-3.8
Federal Question	426	384	422	442	413	599	+186	+45.0
Diversity	402	380	408	410	433	472	+39	+9.0
U.S. Civil	130	116	127	136	125	95	-30	-24.0
Tax	30	49	22	40	20	11	-9	-45.0
Tax Court	28	21	24	20	13	21	+8	+61.5
Civil Rights	564	497	519	539	554	556	+2	+0.4
Bankruptcy	122	104	82	80	128	117	-11	-8.6
Social Security	66	43	36	23	25	18	-7	-28.0
NLRB*	9	--	--	--	--	--	--	--
BIA*	--	460	443	375	416	402	-14	-3.4
Mandamus	23	26	25	32	35	43	+8	+22.9
Agency*	570	53	86	66	44	64	+20	+45.5
Miscellaneous	--	--	--	--	--	57	+57	0.0
	7634	7415	7337	7537	7626	7458	-168	-2.21

\* Beginning in 2009 we reported the NLRB cases in the total of the Agency category, rather than in a separate category. Also in 2009, we began reporting immigration cases separately.

**Table 3 - 2013 New Appeals by Case Type**



Our biggest increase in filings was in federal question appeals. Criminal appeals dropped significantly (down 372 cases, or 13.8%).

**3. Source of New Appeals by Districts**

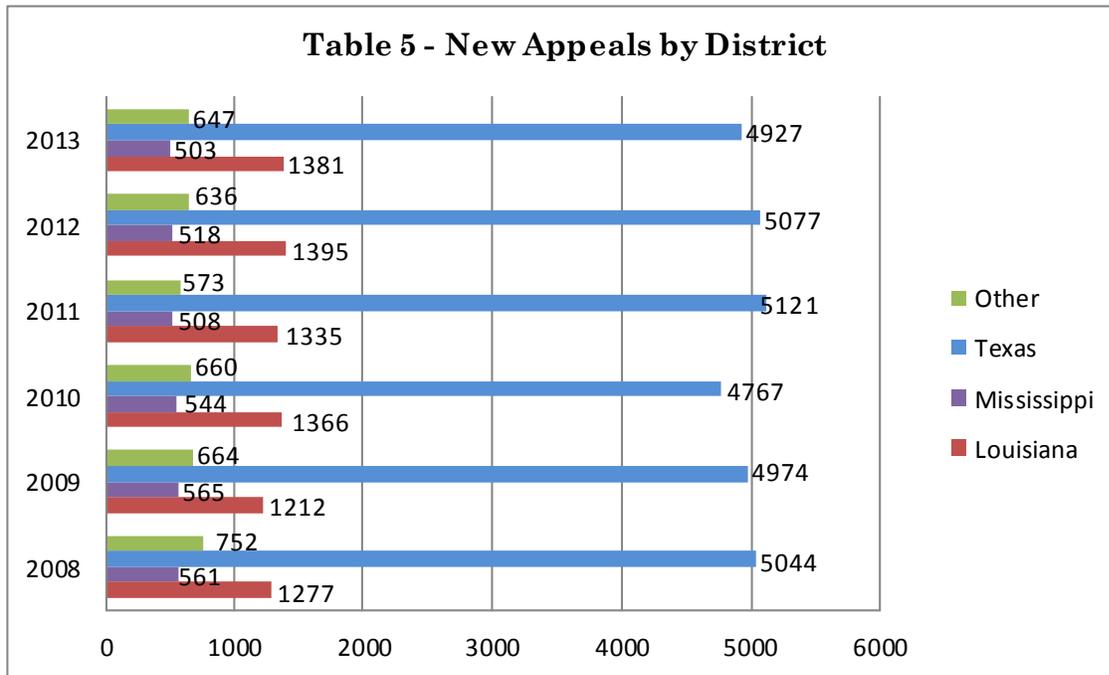
Three of the nine districts showed an increase in appeals filed. Western Louisiana increased the most. Southern Texas decreased the most.

**TABLE 4 - New Appeals by Districts  
(All Appeals)**

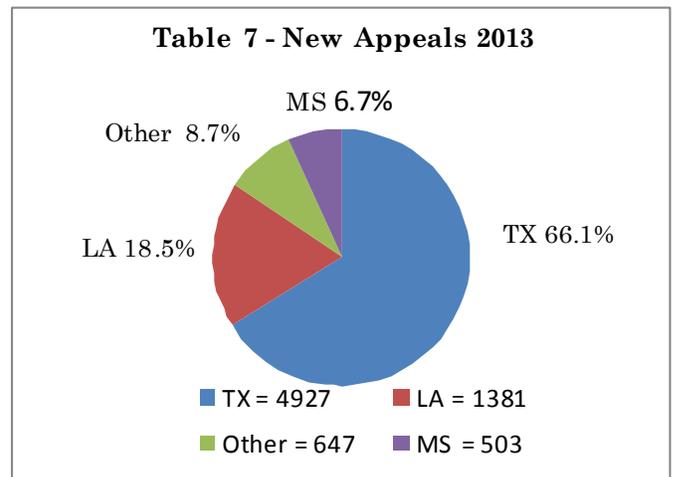
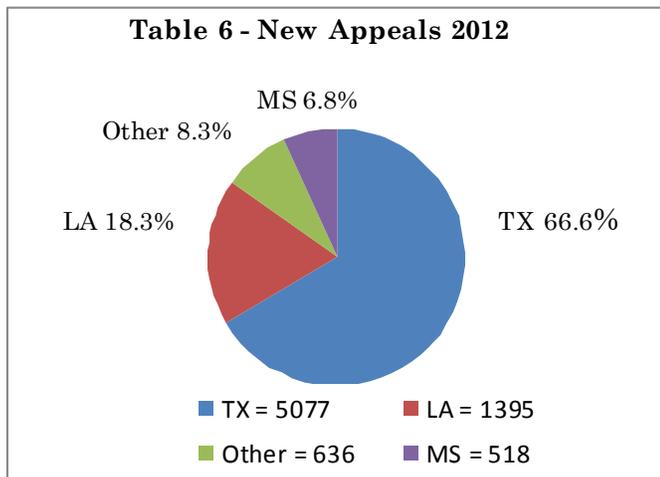
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Change from '12</b>
Louisiana Eastern	598	518	674	644	635	578	-57
Louisiana Middle	186	193	219	242	287	204	-83
Louisiana Western	493	501	473	449	473	599	+126
<b>Subtotal</b>	<b>1277</b>	<b>1212</b>	<b>1366</b>	<b>1335</b>	<b>1395</b>	<b>1381</b>	<b>-14</b>
Mississippi Northern	191	171	184	186	178	195	+17
Mississippi Southern	370	394	360	322	340	308	-32
<b>Subtotal</b>	<b>561</b>	<b>565</b>	<b>544</b>	<b>508</b>	<b>518</b>	<b>503</b>	<b>-15</b>
Texas Northern	1273	1339	1306	1338	1349	1335	-14
Texas Southern	1710	1675	1702	1850	1839	1714	-125
Texas Eastern	630	649	497	665	545	579	+34
Texas Western	1431	1311	1262	1268	1344	1299	-45
<b>Subtotal</b>	<b>5044</b>	<b>4974</b>	<b>4767</b>	<b>5121</b>	<b>5077</b>	<b>4927</b>	<b>-150</b>
Agency*	570	53	86	66	43	64	+21
Bankruptcy	122	104	82	80	128	117	-11
U.S. Tax Court	28	21	24	20	13	21	+8
NLRB*	9	--	--	--	--	--	--
BIA*	--	460	443	375	417	402	-15
Mandamus	23	26	25	32	35	43	+8
<b>Subtotal</b>	<b>752</b>	<b>664</b>	<b>660</b>	<b>573</b>	<b>636</b>	<b>647</b>	<b>+11</b>
<b>Total</b>	<b>7634</b>	<b>7415</b>	<b>7337</b>	<b>7537</b>	<b>7626</b>	<b>7458</b>	<b>-168</b>

\* Beginning in 2009 we reported the NLRB cases in the total of the Agency category, rather than in a separate category. Also in 2009, we began reporting immigration cases separately.

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



A comparison of the percentage of appeals by states for 2012 and 2013 is shown on the following charts:



**B. CLOSED APPEALS**

**1. Yearly Comparison**

The court disposed of 98 more **appeals** this year, an increase of 1.3%.

**TABLE 8 - Closed Appeals**

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Change from '12</b>	
All Appeals	8594	7266	7625	7801	7403	7501	+98	+1.3%
Cases	7925	6633	6914	6948	6551	6634	+83	+1.3%

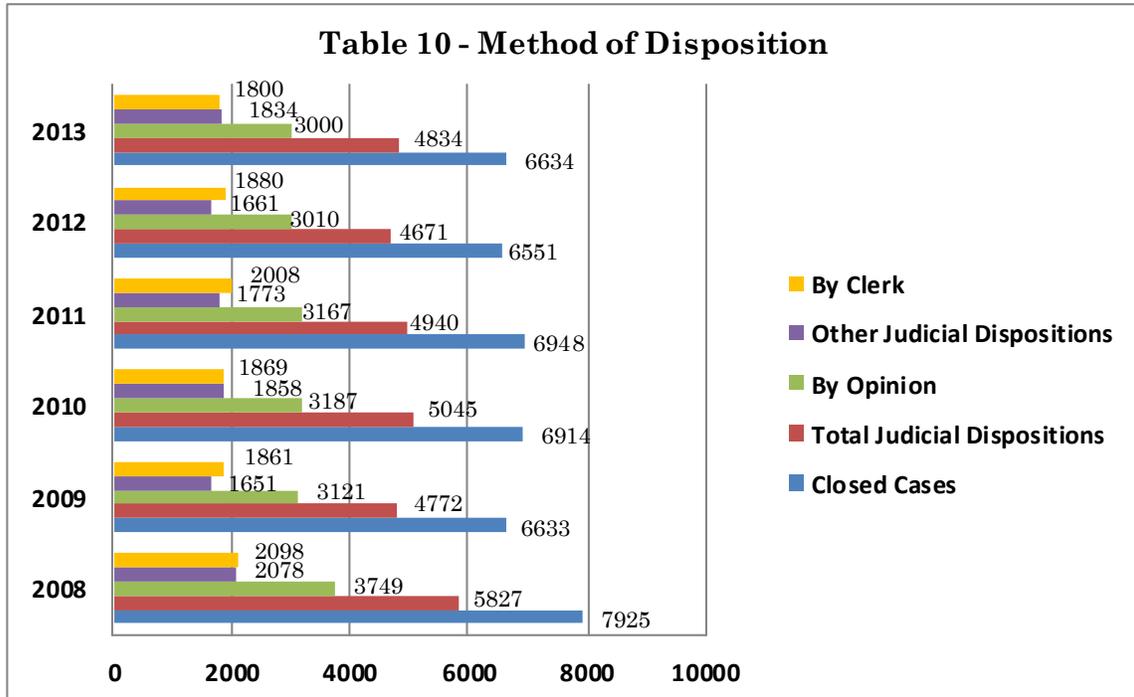
**2. Method of Disposition**

Overall, the court disposed of 83 more cases than last year. There were 10 fewer opinions, and other judicial dispositions increased by 173. Clerk dispositions decreased by 80.

**TABLE 9 - Method of Disposition**

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Change from '12</b>
By Opinion*	3749	3121	3187	3167	3010	3000	-10
Other Judicial Dispositions	2078	1651	1858	1773	1661	1834	+173
Total Judicial Dispositions	5827	4772	5045	4940	4671	4834	+163
By Clerk	2098	1861	1869	2008	1880	1800	-80
Closed Cases	7925	6633	6914	6948	6551	6634	+83

\* Does not include 12 opinions which were non-dispositive.



**C. UNDISPOSED OF (PENDING) APPEALS**

The court disposed of 7501 **appeals** compared to 7458 filed. There are 3914 cases pending this year compared with 4083 last year.

**TABLE 11 - Pending Appeals**

	2008	2009	2010	2011	2012	2013	% Change from '12
All Appeals Pending	4885	5031	4744	4479	4772	4730	-0.9
Cases	4351	4510	4093	3830	4083	3914	-4.1

The 3914 pending cases are broken down into the sub-categories of Cases Under Submission and Unassigned Carry-Over:

**1. Cases Under Submission**

Excluding cases consolidated for argument and decision (45), and held in abeyance by the judges (14), the pending cases argued and awaiting decision decreased from last year.

**TABLE 12 - Cases Under Submission**

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Active Judges	142	164	128	149	139	146
Senior Judges	24	19	14	24	12	23
Visiting Judges	3	0	3	3	0	4
<b>Total</b>	<b>169</b>	<b>183</b>	<b>145</b>	<b>176</b>	<b>151</b>	<b>173</b>

**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, 197 fewer than last year. This leaves 3727 cases which are the immediate future workload of the court. The following chart gives the six year trend:

**TABLE 13 - Unassigned Carry-Over**

<b>Year</b>	<b>Unassigned Cases</b>	<b>New Appeals</b>	<b>% Unassigned Cases to New Appeals</b>
<b>2008</b>	4171	7634	54.6
<b>2009</b>	4324	7415	58.3
<b>2010</b>	3939	7337	53.7
<b>2011</b>	3643	7537	48.3
<b>2012</b>	3924	7626	51.4
<b>2013</b>	3727	7458	49.9

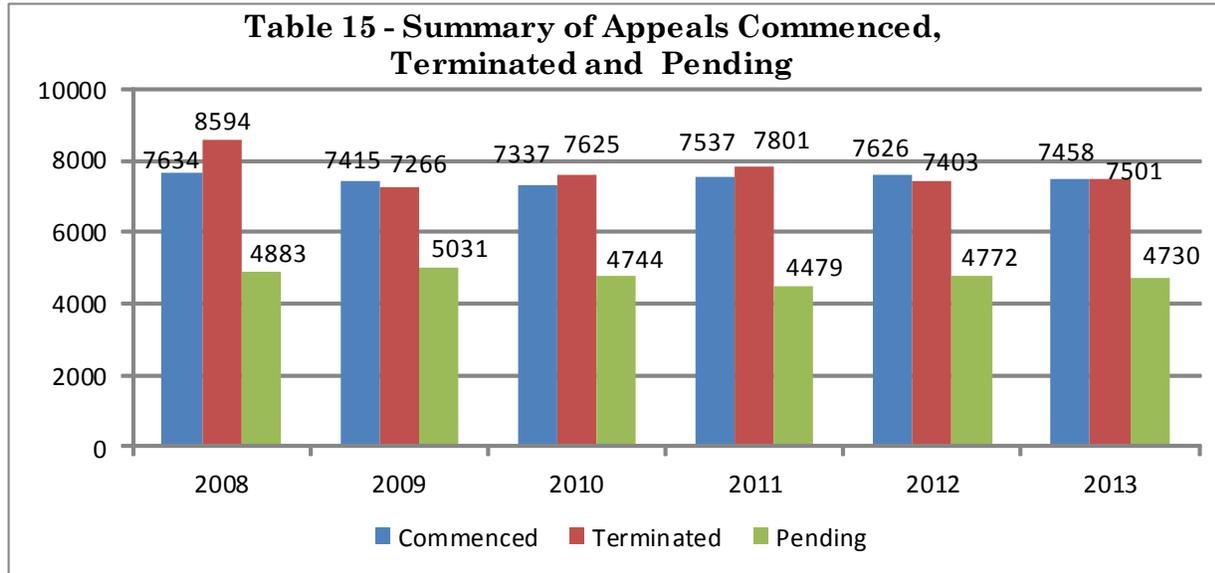
The 3727 unassigned cases fall into the following categories:

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

<b>Category</b>	<b>2012</b>	<b>2013</b>
(a) Already Briefed		
Calendared for Oral Argument	90	123
Briefed but Held in Abeyance	5	11
Awaiting Assignment to Oral Argument Calender	130	79
Being Screened	498	621
Assignment to Augean Conference	226	156
Awaiting Assignment to Conference Calendar	32	54
<b>Sub Total</b>	<b>981</b>	<b>1044</b>
(b) Unbriefed Cases		
Pre-Briefing	1150	1046
Records Due	224	164
Being Briefed	1330	1262
Stayed/Held in Abeyance	85	43
Awaiting DC Action*	154	168
<b>Sub Total</b>	<b>2943</b>	<b>2683</b>
<b>Total</b>	<b>3924</b>	<b>3727</b>

\* Cases "Awaiting DC Action" capture those cases unable to proceed because of pending motions with the district courts.

**D. SUMMARY OF APPEALS COMMENCED, TERMINATED AND PENDING**



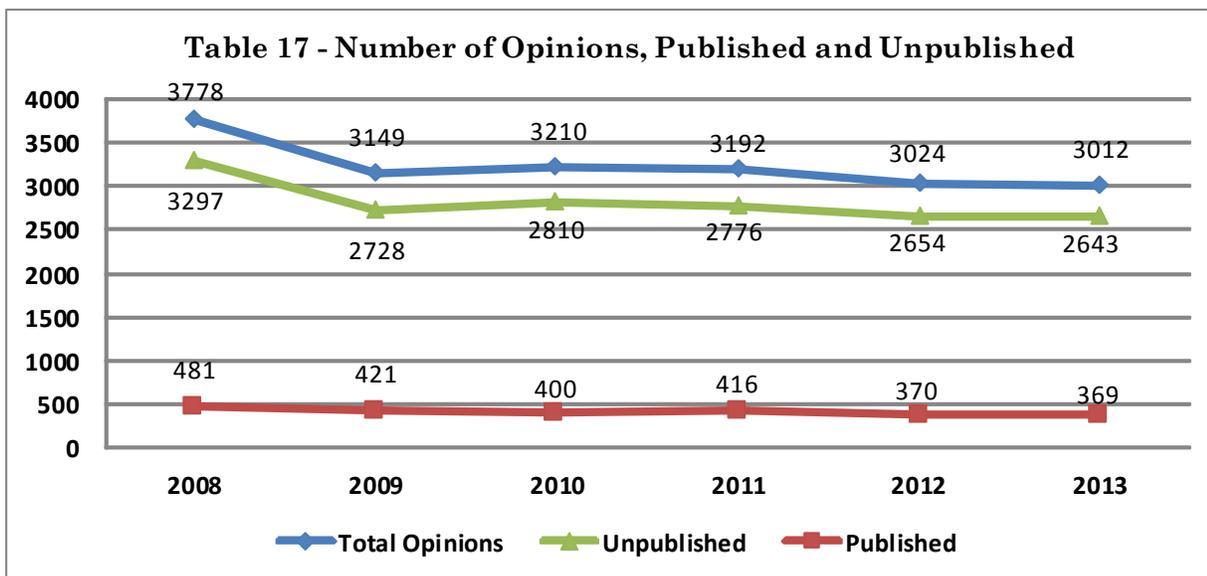
**E. OPINIONS**

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

The total number of opinions decreased by 12. The figures for the 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
2008	3778	481	3297
2009	3149	421	2728
2010	3210	400	2820
2011	3192	416	2776
2012	3024	370	2654
2013	3012	369	2643

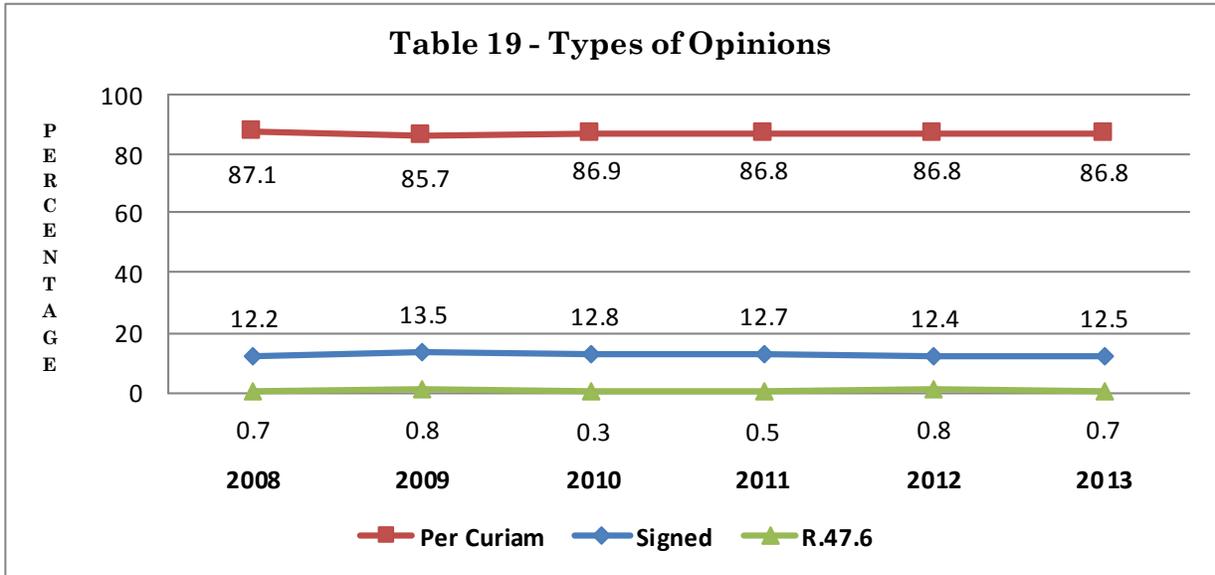


**2. Types of Opinions**

The percentage of signed opinions increased by 0.1% this year, and the percentage of per curiam opinions remained the same.

**TABLE 18 - Types of Opinions**

Year	Signed	Per Curiam	Rule 47.6	Total
2008	12.2%	87.1%	.7%	100.0%
2009	13.5%	85.7%	.8%	100.0%
2010	12.8%	86.9%	.3%	100.0%
2011	12.7%	86.8%	.5%	100.0%
2012	12.4%	86.8%	.8%	100.0%
2013	12.5%	86.8%	.7%	100.0%



**3. Breakdown of Types of Opinions by Summary, Oral Argument and Conference Calendars**

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 36 from 1649 to 1685. The percentage of signed opinions on the summary calendar increased by 0.5% while per curiam opinions decreased by 0.4%

**TABLE 20 - Summary Calendar Opinions**

<b>Year</b>	<b>Signed</b>	<b>Per Curiam</b>	<b>Rule. 47.6</b>	<b>Total</b>
2008	1.9%	97.7%	.4%	100.0%
2009	1.2%	98.5%	.3%	100.0%
2010	1.8%	98.1%	.1%	100.0%
2011	1.9%	98.1%	0%	100.0%
2012	.6%	99.1%	.3%	100.0%
2013	1.1%	98.7%	.2%	100.0%

(b) Oral Argument Calendar

The percentage of signed opinions on the oral argument calendar increased this year by 0.5%. The percentage of per curiam opinions decreased by 0.7%.

**TABLE 21 - Oral Argument Opinions**

<b>Year</b>	<b>Signed</b>	<b>Per Curiam</b>	<b>Rule 47.6</b>	<b>Total</b>
2008	41.4%	56.8%	1.8%	100.0%
2009	40.5%	57.5%	2.0%	100.0%
2010	39.2%	59.8%	1.0%	100.0%
2011	37.5%	61.0%	1.5%	100.0%
2012	38.0%	60.1%	1.9%	100.0%
2013	38.5%	59.4%	2.1%	100.0%

(c) Conference Calendar

There were 400 conference calendar opinions this year compared to 414 last year.

#### 4. Published and Unpublished Opinions

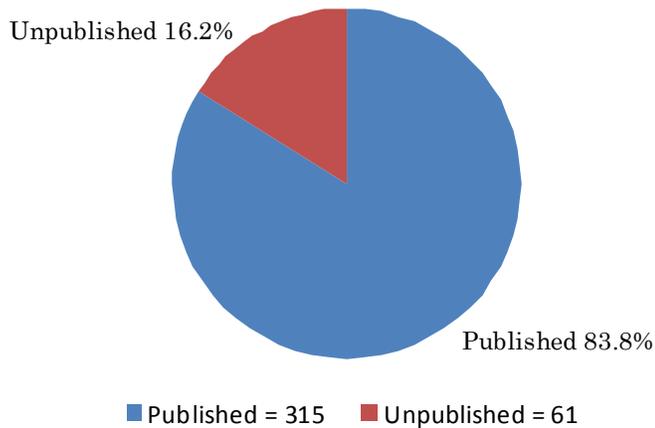
Of the 3012 opinions, 369 (12.2%) were published. The number of published opinions decreased by 1 from the preceding year.

(a) Number and Percentage - 2013

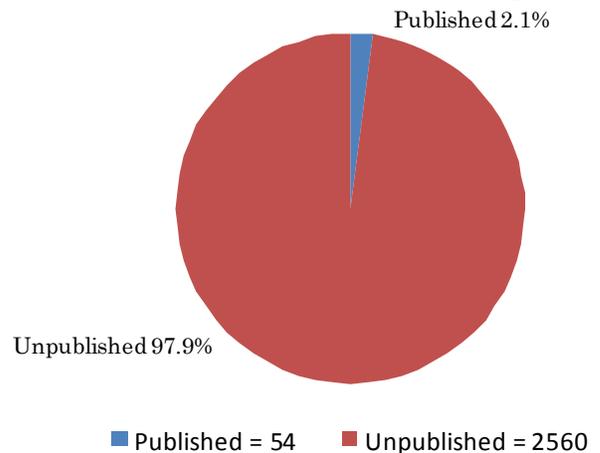
**TABLE 22 - Number and Percentage 2013**

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	315	83.8	61	16.2	376
Per Curiam Opinions	54	2.1	2560	97.9	2614
Rule 47.6 Opinions	–	–	22	100.0	22
Total	369	12.2	2643	87.8	3012

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



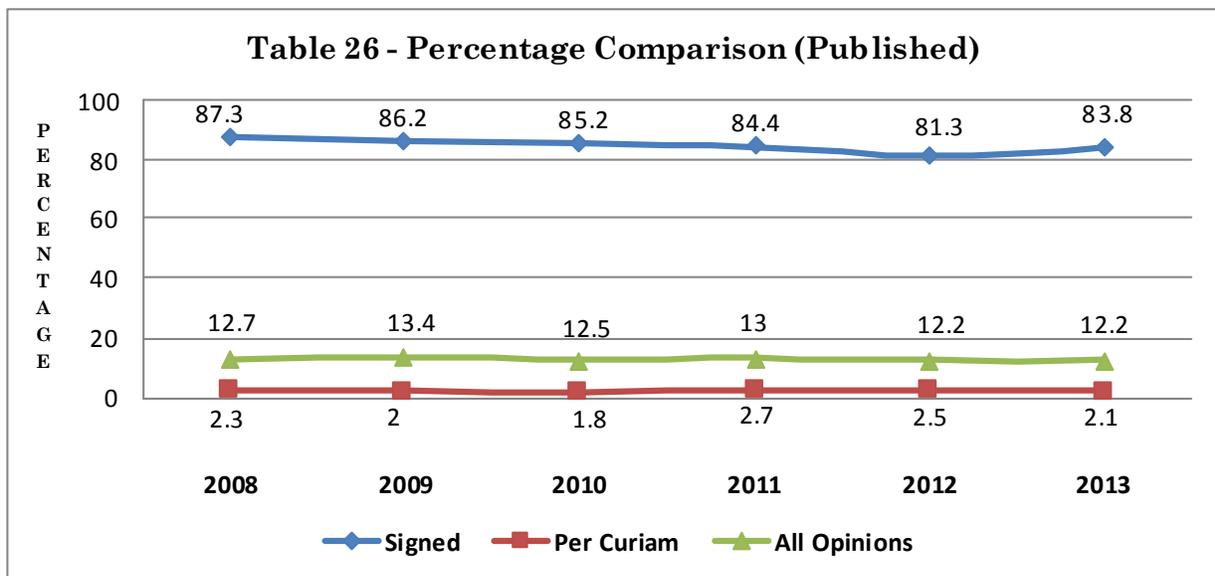
**Table 24 - Per Curiam Opinions  
Number and Percentage**



(b) Percentage Comparison (Published) - 2008 - 2013

**TABLE 25 - Published Percentage**

	% Published					
	2008	2009	2010	2011	2012	2013
Signed Opinions	87.3	86.2	85.2	84.4	81.3	83.8
Per Curiam Opinions	2.3	2.0	1.8	2.7	2.5	2.1
All Opinions	12.7	13.4	12.5	13.0	12.2	12.2



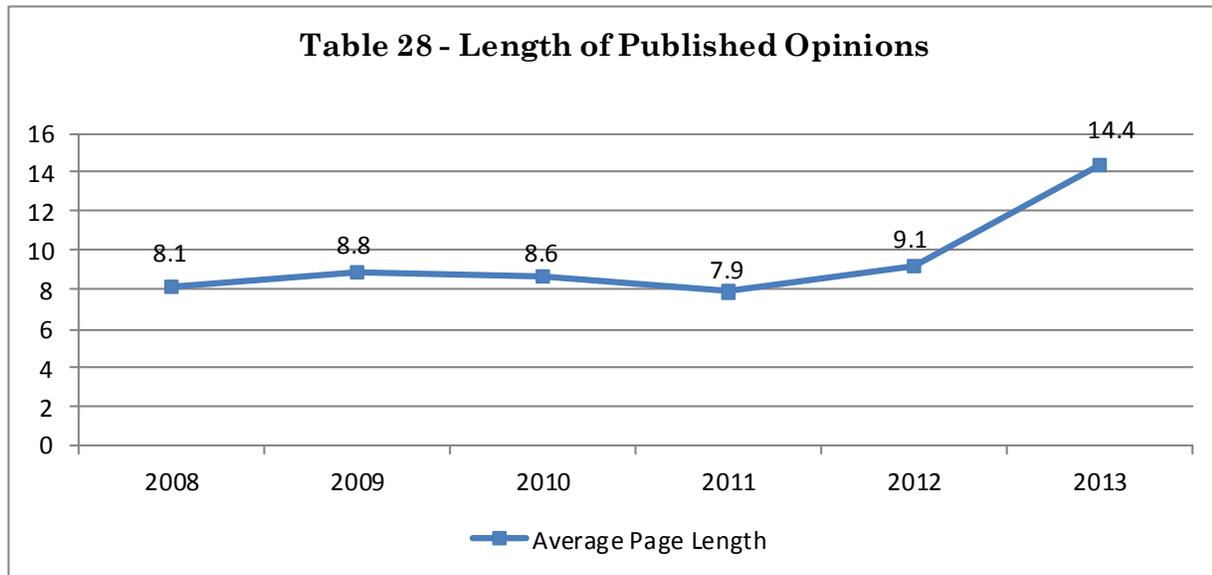
(c) Length of Published Opinions

The average page length of opinions is up 58.2% from 2012.\*

**TABLE 27 - Average Page Length**

Year	Page Length
2008	8.1
2009	8.8
2010	8.6
2011	7.9
2012	9.1
2013*	14.4

\*Since we no longer receive printed slip opinions from West, we used the manuscript opinions to calculate the average page length for all 2013 opinions. West typically condensed a 16-page manuscript into a 9-page printed slip. Thus this increase is due to our changed metric, not to longer opinions.



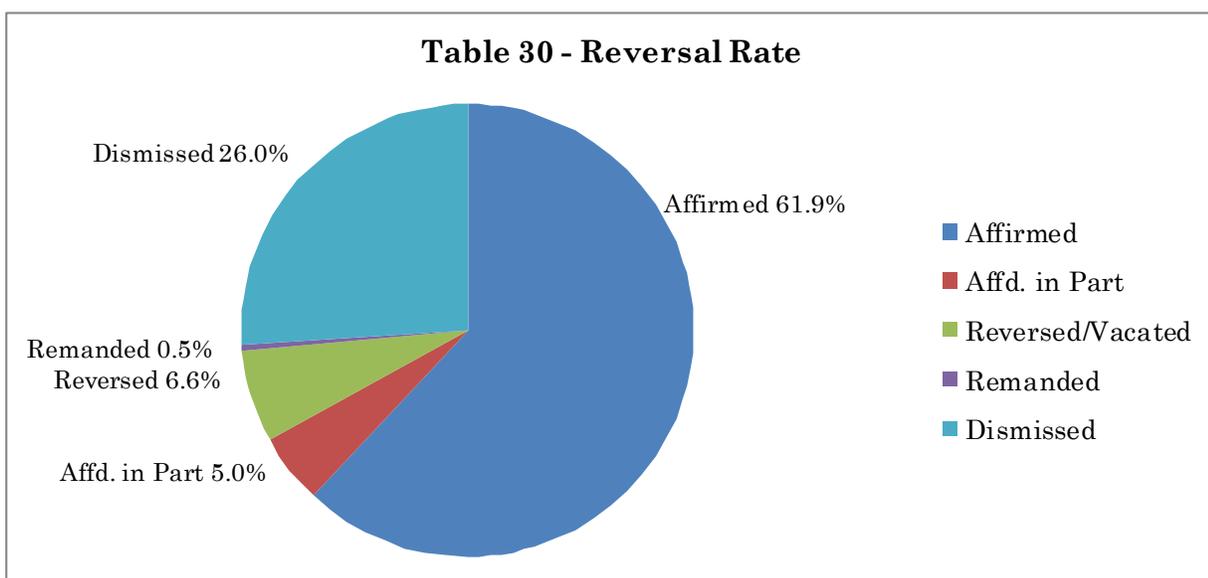
## 5. Reversal Rate

The 2013 reversed/vacated rate of 6.6% is lower than the 7.6% reversed/vacated rate in 2012.

**TABLE 29 - Reversal Rate**

	2013								2012
	Summary		Hearing		Conference Calendar		Overall		Overall
	No.	%	No.	%	No.	%	No.	%	%
Affirmed	1239	73.5	574	61.9	51	12.8	1864	61.9	62.5
Affd. in Part	59	3.5	90	9.7	1	.2	150	5.0	5.0
Dismissed	350	20.8	89	9.6	343	85.8	782	26.0	24.2
Remanded	5	0.3	12	1.3	0	0	17	0.5	0.7
Transferred	0	0	0	0	0	0	0	0	0
Reversed/Vacated*	32	1.9	162	17.5	5	1.2	199	6.6	7.6
Total	1685	100.0	927	100.0	400	100.0	3012	100.0	100.0

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



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, 2012 through June 30, 2013 increased by 10 cases over last year.

2. **Opinion Output - Overall - 2008 - 2013**

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>
2008 <sup>1</sup>	3138	640	3778	210
2009 <sup>2</sup>	2676	473	3149	158
2010 <sup>3</sup>	2630	580	3210	164
2011 <sup>4</sup>	2495	697	3192	166
2012 <sup>5</sup>	2195	829	3024	144
2013 <sup>6</sup>	2308	704	3012	154

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<sup>1</sup>In 2008, there were 17 active judges, 4 non-active judges and 4 visiting judges.

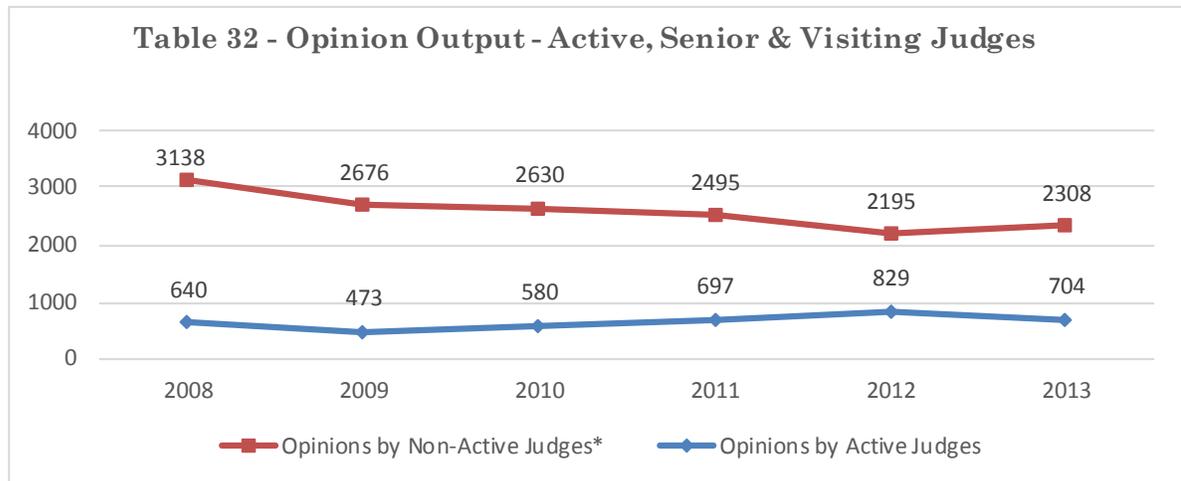
<sup>2</sup>In 2009, there were 17 active judges, 4 non-active judges and 11 visiting judges.

<sup>3</sup>In 2010, there were 16 active judges, 5 non-active judges and 5 visiting judges.

<sup>4</sup>In 2011, there were 16 active judges, 6 non-active judges and 8 visiting judges.

<sup>5</sup>In 2012, there were 16 active judges, 7 non-active judges and 6 visiting judges.

<sup>6</sup>In 2013, there were 15 active judges, 7 non-active judges and 2 visiting judges.



\*Includes Augean conference.

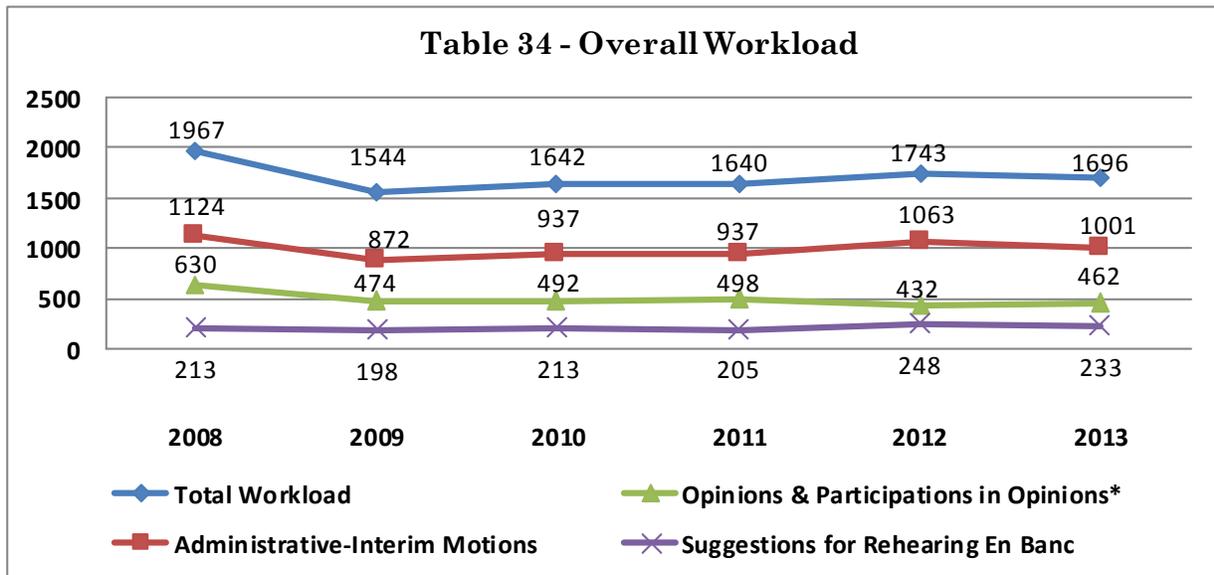
### 3. Overall Workload

The average number of 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, Augean conference panels, as well as consideration of petitions for rehearing en banc and administrative-interim motions are also other important work factors. Overall, judges handled 47 fewer matters per judge than last year. **Enclosure B**, page 27, 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					
	2008	2009	2010	2011	2012	2013
Opinions and Participations in Opinions*	630	474	492	498	432	462
Petitions for Rehearing En Banc	213	198	213	205	248	233
Administrative- Interim Motions	1124	872	937	937	1063	1001
<b>Total Workload</b>	<b>1967</b>	<b>1544</b>	<b>1642</b>	<b>1640</b>	<b>1743</b>	<b>1696</b>

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



\* Based on figures of judges who participated in summary, hearing 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. Actual argument was held in about 65% of the 800 cases assigned to Class III and IV.

**TABLE 35 - Screening Classifications**

CLASS								
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total	
	No.	%	No.	%	No.	%	No.	%
2008	2681 <sup>1</sup>	75.6	863	24.3	4	0.1	3548 <sup>1</sup>	100.0
2009	2124 <sup>2</sup>	72.4	808	27.5	2	0.1	2934 <sup>2</sup>	100.0
2010	2215 <sup>3</sup>	73.9	781	26.0	3	0.1	2999 <sup>3</sup>	100.0
2011	2183 <sup>4</sup>	71.0	890	28.9	3	0.1	3076 <sup>4</sup>	100.0
2012	2055 <sup>5</sup>	71.2	823	28.5	8	0.3	2886 <sup>5</sup>	100.0
2013	2057 <sup>6</sup>	72.0	795	27.8	5	0.2	2857 <sup>6</sup>	100.0
Total	13,315 <sup>7</sup>	72.8	4960	27.1	25	0.1	18,300 <sup>7</sup>	100.0

<sup>1</sup>Includes 1054 conference calendar opinions.

<sup>2</sup>Includes 578 conference calendar opinions.

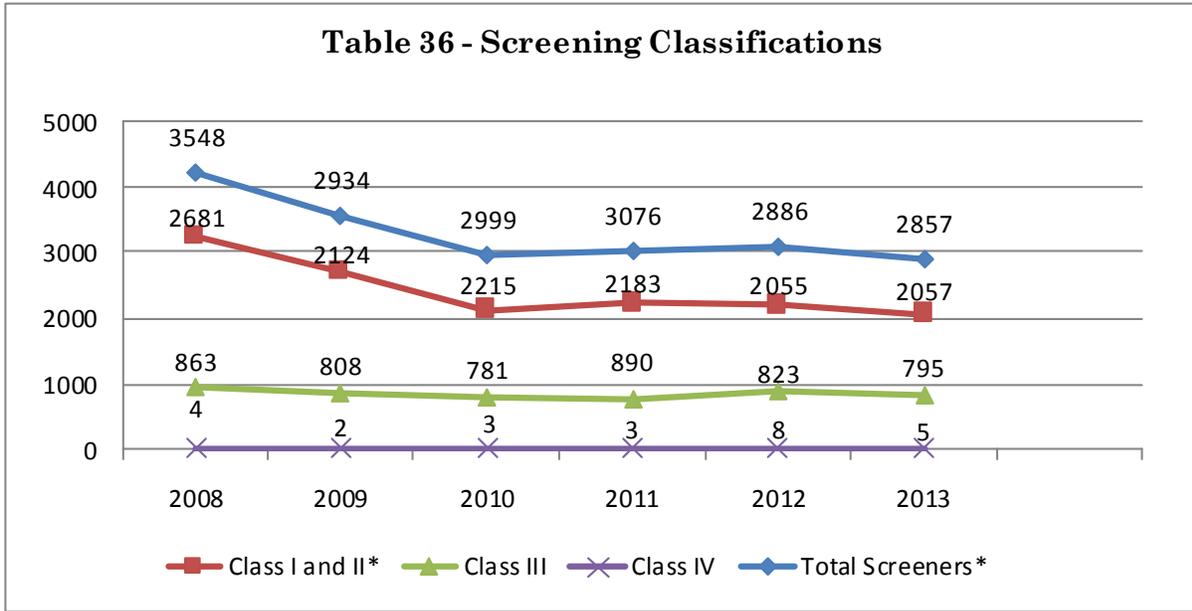
<sup>3</sup>Includes 534 conference calendar opinions.

<sup>4</sup>Includes 411 conference calendar opinions.

<sup>5</sup>Includes 414 conference calendar opinions.

<sup>6</sup>Includes 394 conference calendar opinions.

<sup>7</sup>Includes 3385 conference calendar opinions.



\* Includes conference calendar cases.

Several additional screening tables follow:

(a) Screening Classifications by Case Type

**Enclosure C**, page 28, 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**

Case Type	Summary Calendar Percentage (%)					
	2008	2009	2010	2011	2012	2013
DIRECT CRIMINAL	87.9	85.0	83.9	83.0	84.9	83.3
CRIMINAL NON-DIRECT	72.1	89.3	90.8	89.2	80.0	94.8
PRISONER CASES						
W/ cnsl.	44.1	37.5	35.3	20.0	50.0	24.0
W/O cnsl.	89.4	85.9	86.5	80.4	84.6	86.4

Case Type	Summary Calendar Percentage (%)					
	2008	2009	2010	2011	2012	2013
2255						
W/ cnsl.	75.0	81.8	50.0	71.4	25.0	53.8
W/O cnsl.	68.4	75.0	94.1	54.5	69.2	47.6
CIVIL						
Diversity	33.6	32.6	29.4	32.7	33.9	32.7
Federal Question	36.2	31.1	35.4	38.6	38.8	33.5
U.S. Civil	41.8	47.9	52.8	37.9	38.8	43.1
Tax	41.7	52.0	12.5	36.4	47.4	20.0
Bankruptcy	33.8	27.1	25.6	30.4	26.9	18.8
Civil Rights	62.3	58.0	59.4	53.7	50.5	56.5
NLRB*	33.3	--	--	--	--	--
BIA*	--	87.0	85.4	85.5	81.3	87.3
Tax Court	77.8	61.5	40.0	37.5	63.6	40.0
Other Agency*	81.5	54.5	41.2	39.3	45.0	39.1
Social Security	100.0	89.2	76.5	66.7	70.0	83.3
Mandamus	0	0	0	0	0	0
<b>TOTAL</b>	<b>75.6</b>	<b>72.4</b>	<b>73.9</b>	<b>71.0</b>	<b>71.2</b>	<b>72.0</b>

\* Beginning in 2009 we reported the NLRB cases in the total of the Agency category, rather than in a separate category. Also in 2009, we began reporting immigration cases separately.

#### H. EN BANC PETITIONS

The number of petitions for rehearing en banc decreased by 21, (229 from 250). This amounts to en banc petitions being filed in 7.6% of the cases decided by opinion.

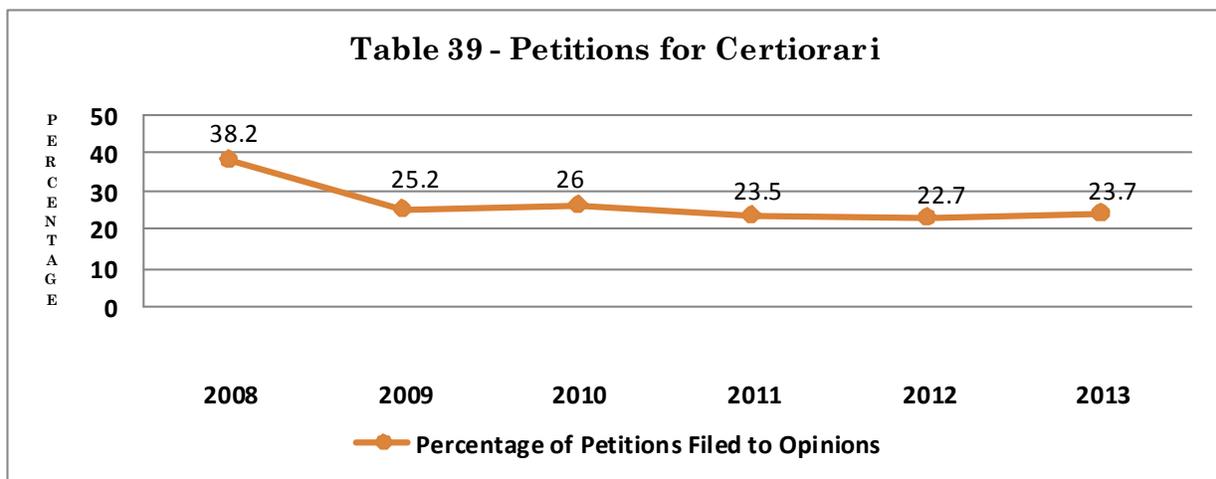
Of the 233 petitions acted upon, 6 were granted. This is a decrease from 2012. Of the 220 petitions denied, 9 were denied after a poll. Seven were disposed of by other means. See **Enclosure D**, page 29, for other details.

**I. PETITIONS FOR CERTIORARI**

The number of petitions filed is as follows:

**Table 38 - Petitions for Certiorari**

<b>Petitions Filed</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Criminal	957	410	365	335	299	332
U.S. Civil	72	70	60	58	7	105
Private Civil	409	309	400	346	295	268
Administrative Appeals	7	6	11	12	16	8
<b>TOTAL</b>	<b>1445</b>	<b>795</b>	<b>836</b>	<b>751</b>	<b>687</b>	<b>713</b>
<b>Opinions Rendered</b>	<b>3778</b>	<b>3149</b>	<b>3210</b>	<b>3192</b>	<b>3024</b>	<b>3012</b>
<b>% of Petitions Filed to Opinions</b>	<b>38.2</b>	<b>25.2</b>	<b>26.0</b>	<b>23.5</b>	<b>22.7</b>	<b>23.7</b>



There were 687 actions taken by the Supreme Court compared with 732 last year. Thirty petitions were granted, 11 more than last year, or 4.4% granted of the total petitions acted upon.

(For additional information, see **Enclosure E**, page 30.)

**J. ADMINISTRATIVE-INTERIM MOTIONS**

The administrative-interim motions increased to 3376 from 3310 last year, to an average of 225 initiating actions per active judge. When panel matters are considered, each judge acted on 1001 such motions, down from 1063 last year. See **Enclosure F**, page 31, for other details.

**TABLE OF NEW APPEALS DOCKETED BY CASE TYPE AS OF 6/2013**

Case Type	(a)	(b)		(c)		(d)											
	Mo. % 2012-13	Cumulative % 11-12	Cumulative % 12-13	2011 2012	2012 2013	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
CRIMINAL CASES	31.06%	34.91%	31.05%	2687	2316	217	175	186	184	228	183	184	184	237	158	175	205
<u>PRISONER CASES</u>																	
w/counsel	1.52%	1.96%	1.68%	151	125	8	19	11	10	9	7	8	6	12	13	12	10
w/o counsel	26.21%	26.87%	26.44%	2068	1972	140	150	199	189	170	138	146	128	184	174	181	173
Succ Habeas	6.82%	5.33%	6.57%	410	490	30	40	37	51	41	40	34	37	49	53	33	45
Non-Pd Mandamus	1.67%	1.35%	1.34%	104	100	13	4	7	8	9	6	10	3	6	12	11	11
SUB-TOTAL	67.27%	70.43%	67.08%	5420	5003	408	388	440	442	457	374	382	358	488	410	412	444
<u>CIVIL</u>																	
Private Civil	14.09%	10.99%	14.36%	846	1071	92	65	91	95	57	65	88	86	82	173	84	93
Diversity	6.82%	5.63%	6.33%	433	472	55	29	35	50	28	30	37	32	37	48	46	45
Fed. Quest.	7.27%	5.37%	8.03%	413	599	37	36	56	45	29	35	51	54	45	125	38	48
U.S. Civil	0.76%	1.62%	1.27%	125	95	5	6	10	9	7	13	11	8	5	9	7	5
Tax	0.00%	0.26%	0.15%	20	11	1	1	0	2	1	2	2	0	0	2	0	0
Tax Court	0.30%	0.17%	0.28%	13	21	1	1	8	0	1	0	3	0	2	1	2	2
Bankruptcy	1.67%	1.66%	1.57%	128	117	3	6	10	13	5	10	12	17	12	12	6	11
BIA	7.12%	5.41%	5.39%	416	402	34	28	25	32	34	28	33	28	45	29	39	47
Other Agency	0.61%	0.57%	0.86%	44	64	3	6	7	16	5	1	3	4	6	3	6	4
Civil Rights	6.21%	7.20%	7.46%	554	556	55	55	44	53	60	36	39	34	48	52	39	41
Soc. Security	0.30%	0.32%	0.24%	25	18	0	1	1	4	0	0	2	3	0	2	3	2
Mandamus	0.61%	0.45%	0.58%	35	43	3	6	8	1	4	1	4	5	3	1	3	4
Miscellaneous	1.06%	0.91%	0.76%	70	57	2	4	4	4	4	1	5	12	5	6	3	7
SUB-TOTAL	32.73%	29.57%	32.92%	2276	2455	199	179	208	229	178	157	202	197	208	290	192	216
<b>TOTAL APPEALS</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>7696</b>	<b>7458</b>	<b>607</b>	<b>567</b>	<b>648</b>	<b>671</b>	<b>635</b>	<b>531</b>	<b>584</b>	<b>555</b>	<b>696</b>	<b>700</b>	<b>604</b>	<b>660</b>

Legend:

- Col: (a): Monthly Percentage Make-Up of the New Filings.  
 (b): The Cumulative Percentage for the corresponding months in 11-12 compared with 12-13.  
 (c): The Cumulative Total Filings for the corresponding number of months in 11-12.  
 (d): The Cumulative Total for 12-13.

**WORKLOAD PER ACTIVE JUDGE 2013\***

I.	<b><u>SUMMARY CALENDAR CASES*</u></b>			
	(a) Opinions or dispositions as initiating judge	79		
	(b) Participations in opinions or dispositions of other panel members		158	
	(c) Sub-total summary calendar cases			237
II.	<b><u>CONFERENCE CALENDAR CASES*</u></b>			
	(a) Opinions or dispositions as initiating judge	26		
	(b) Participations in opinions or dispositions of other panel members		52	
	(c) Sub-total conference calendar cases			78
III.	<b><u>HEARING CALENDAR AND OTHER CASES*</u></b>			
	(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	—	—	<u>147</u>
IV.	<b><u>TOTAL OPINIONS (I(a), II(a) and III(a))*</u></b>	154		
V.	<b><u>TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b) and III(b))*</u></b>		308	
VI.	<b><u>TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c) and III(c))*</u></b>			462
VII.	<b><u>PETITIONS FOR REHEARING EN BANC</u></b>			233
VIII.	<b><u>ADMINISTRATIVE-INTERIM MATTERS</u></b>			
	(a) Single judge matters	119		
	(b) Participation in panel matters as initiating judge	294		
	(c) Participation in panel matters of other panel members		588	
	(d) Sub-total administrative-interim matters	—	—	<u>1001</u>
IX.	<b><u>TOTAL MATTERS PARTICIPATED IN PER JUDGE</u></b>			1696

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

**SUMMARY OF SCREENING CLASSIFICATION  
BY CASE TYPE**

PERIOD: JULY 1, 2012 - JUNE 30, 2013

<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	473	723	237	3	1436	83.3
CRIMINAL NON-DIRECT	67	79	8	0	154	94.8
PRISONER CASES						
HC-W	0	2	14	0	16	12.5
HC-W/O	32	84	16	0	132	87.9
1983-W	0	4	3	0	7	57.1
1983-W/O	13	78	19	0	110	82.7
O. Pris.-W	0	0	2	0	2	0.0
O. Pris. - W/O	6	16	1	0	23	95.7
2255-W	0	7	6	0	13	53.8
2255-W/O	5	5	11	0	21	47.6
CIVIL						
Diversity	2	68	144	0	214	32.7
Fed. Question	6	50	110	1	167	33.5
U.S. Civil	0	22	29	0	51	43.1
Tax	1	0	4	0	5	20.0
Bankruptcy	0	9	38	1	48	18.8
Civ. Rights	15	132	113	0	260	56.5
BIA	0	137	20	0	157	87.3
Tax Court	0	2	3	0	5	40.0
Other Agency	0	9	14	0	23	39.1
Social Security	0	10	2	0	12	83.3
Mandamus	0	0	1	0	1	0.0
<b>Total*</b>	<b>620</b>	<b>1437</b>	<b>795</b>	<b>5</b>	<b>2857</b>	<b>72.0</b>

\* Includes 394 Conference Calendar Cases.

**PETITIONS FOR  
REHEARING EN BANC**

07/01/12 - 06/30/13

**TOTAL**

**TOTAL PENDING AS OF 06/30/12**

23

**FILED**

Petitions for Rehearing  
En Banc Filed

229

**DENIED**

w/poll vote  
w/o poll vote

9  
211

220

**GRANTED**

On Court's own motion with  
oral argument  
On Court's own motion without  
oral argument  
On motion of parties with  
oral argument  
On motion of parties without  
oral argument

0  
0  
5  
1

6

**OTHER**

7

**TOTAL PENDING AS OF 06/30/13**

19

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

**SUMMARY**

**PERIOD: July 1, 2012 to June 30, 2013**

<b>TYPE OF DISPOSITION</b>						
<b>TYPE</b>	<b>PENDING 07/01/12</b>	<b>NUMBER FILED</b>	<b>GRANTED</b>	<b>DENIED</b>	<b>DISMISSED</b>	<b>PENDING 6/30/13</b>
TOTAL	116	713	30	650	7	142
CRIM	39	332	12	297	0	62
USC	15	105	1	100	3	16
PRIV.CIV.	58	268	15	246	4	61
ADM*	4	8	2	7	0	3

\* 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 2013 )**

	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTALS
Motions to or for:													
Dismiss	17	21	21	16	22	30	18	16	26	19	17	16	239
Reinstate Appeal	1	1	0	2	2	0	0	1	0	3	4	2	16
Appointment of Counsel	7	1	7	1	7	5	8	9	9	3	5	5	67
Expedite Hearing, for Continuance, or Special Assignment	5	4	5	7	4	3	2	0	0	2	4	4	40
Stay or for Injunction and/or Supersedeas Pending Appeal	20	15	13	10	15	16	15	7	13	16	17	13	170
Supplement the Record	3	6	2	3	1	2	7	4	3	2	1	6	40
Strike Briefs, Designations for Printing, etc	4	5	6	3	6	0	7	1	6	3	3	2	46
Excess Pages in Brief	4	0	0	2	4	1	1	3	4	1	0	2	22
Bail Pending Appeal	2	1	1	4	2	2	1	1	2	0	0	1	17
Interlocutory Appeal (Sec. 1292(b))	1	4	4	1	3	0	2	5	5	6	2	6	39
Jurisdiction	55	57	51	52	53	48	53	50	56	58	59	51	643
Withdraw as Counsel	0	3	0	3	2	6	2	2	3	5	1	2	29
Extensions of Time	8	6	6	9	6	7	5	5	12	10	7	11	92
Certificate of Probable Cause/Certificate of Appealability	49	42	40	54	46	45	40	37	39	36	47	44	519
Leave to Appeal In Forma Pauperis	24	19	18	26	21	23	19	29	27	24	22	17	269
Issuance of CPC/COA and Leave to Appeal In Forma Pauperis	28	14	15	14	18	8	15	14	13	16	15	11	181
Mandamus or Prohibition	12	7	19	13	9	2	9	14	11	3	2	14	115
Successive Petitions	31	32	24	27	33	25	32	37	26	29	31	33	360
Miscellaneous Motions	49	48	36	53	33	30	32	27	43	38	35	48	472
<b><u>TOTALS</u></b>	320	286	268	300	287	253	268	262	298	274	272	288	3376