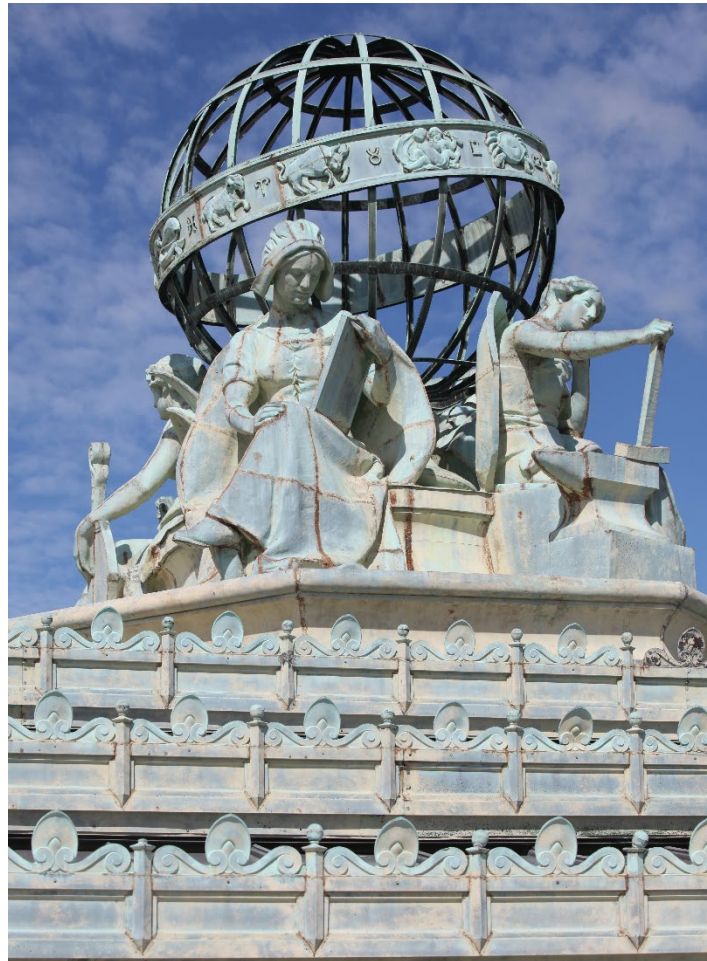


JUDICIAL  
WORKLOAD  
STATISTICS



*UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT  
JULY 2021 - JUNE 2022

## 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, 2021, through June 30, 2022.

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

	2017	2018	2019	2020	2021	2022
<b>New Appeals</b>	7390	7347	7164	6594	6351	6060
<b>Terminations</b>	8214	7387	7377	6504	6512	6835
By Judges	5338	4699	4636	4192	4045	4431
By Clerk	1882	1876	1867	1481	1727	1599
By Consolidation	993	812	874	831	740	805
<b>Pending Appeals</b>	4888	4848	4633	4723	4563	3787
<b>Total Cases Screened for Decision as to Oral Argument</b>	2888	2729	2721	2583	2321	2883
<b>Cases Sent to:</b>						
Summary Calendar	1655	1594	1221	1254	1174	2052
Conference Calendar	421	360	606	505	365	-
Oral Argument Calendar	811	775	893	823	782	831
Summary Calendar Rate	67.1%	67.3%	57.8%	60.4%	60.0%	71.2%
Conference & Summary Calendar Rate*	71.9%	71.6%	67.2%	68.1%	66.3%	-
<b>Cases Ready for Argument</b>	148	158	153	146	67	53
<b>Cases Pending Under Submission</b>	133	199	187	226	214	221
90-day Cases	47	59	70	105	107	119
<b>Total Opinions</b>	2993	2833	2871	2808	2554	3116
Published Opinions	458	374	476	487	489	474
Unpublished Opinions	2535	2459	2395	2321	2065	2642
Opinions per Active Judge	157	139	130	130	114	140
Publication Rate	15.2%	13.1%	16.5%	17.3%	19.1%	15.2%
Average Page Length of Published Opinions	12.9	14.7	14.0	13.5	13.7	13.2
<b>Participations per Active Judge in Opinions</b>	471	417	390	405	342	420
<b>En Banc Cases</b>	2	8	6	8	10	4
<b>Motions per Active Judge</b>	1435	1204	1035	961	808	796

\*Conference Calendar was Discontinued June 30, 2021

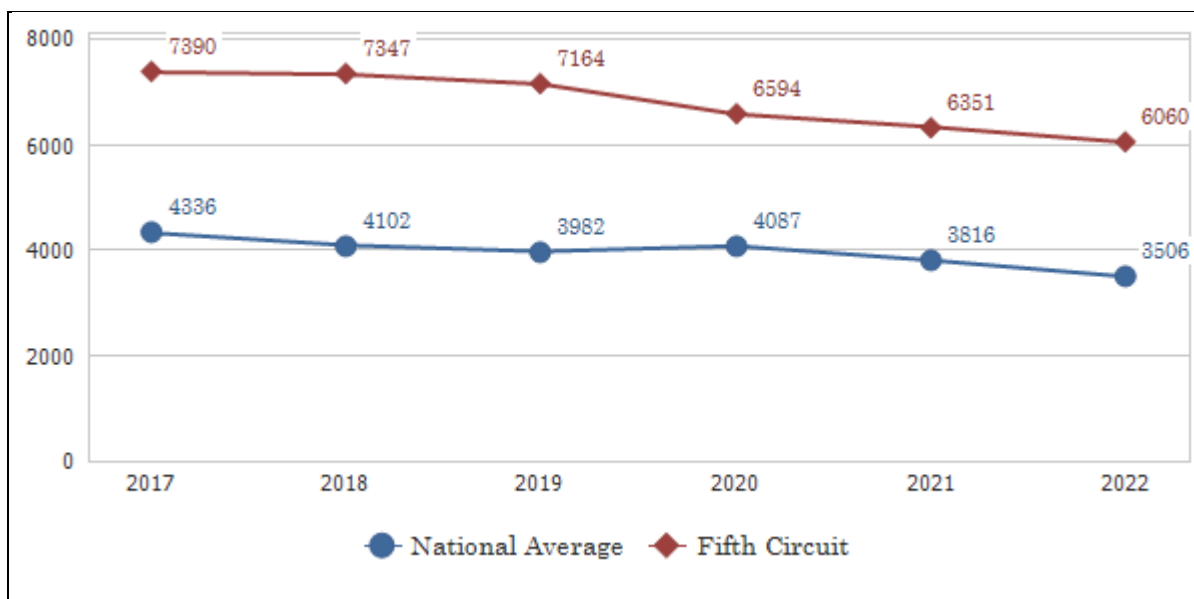


## **A. NEW FILINGS**

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

The chart below shows the “new appeals” filing trends in comparison to the national average filing trends. We experienced a 291 appeal decrease (4.6%), from 6351 to 6060 appeals. Criminal appeals increased by 151 (7.6%) and U.S. Civil appeals increased by 69 (68.3%). BIA appeals decreased by 420 (51.1%). Prisoner appeals decreased by 72 (4.6%). Successive Habeas Corpus petitions decreased by 40 (12.5%).

**Table 1 - New Appeals Filed**



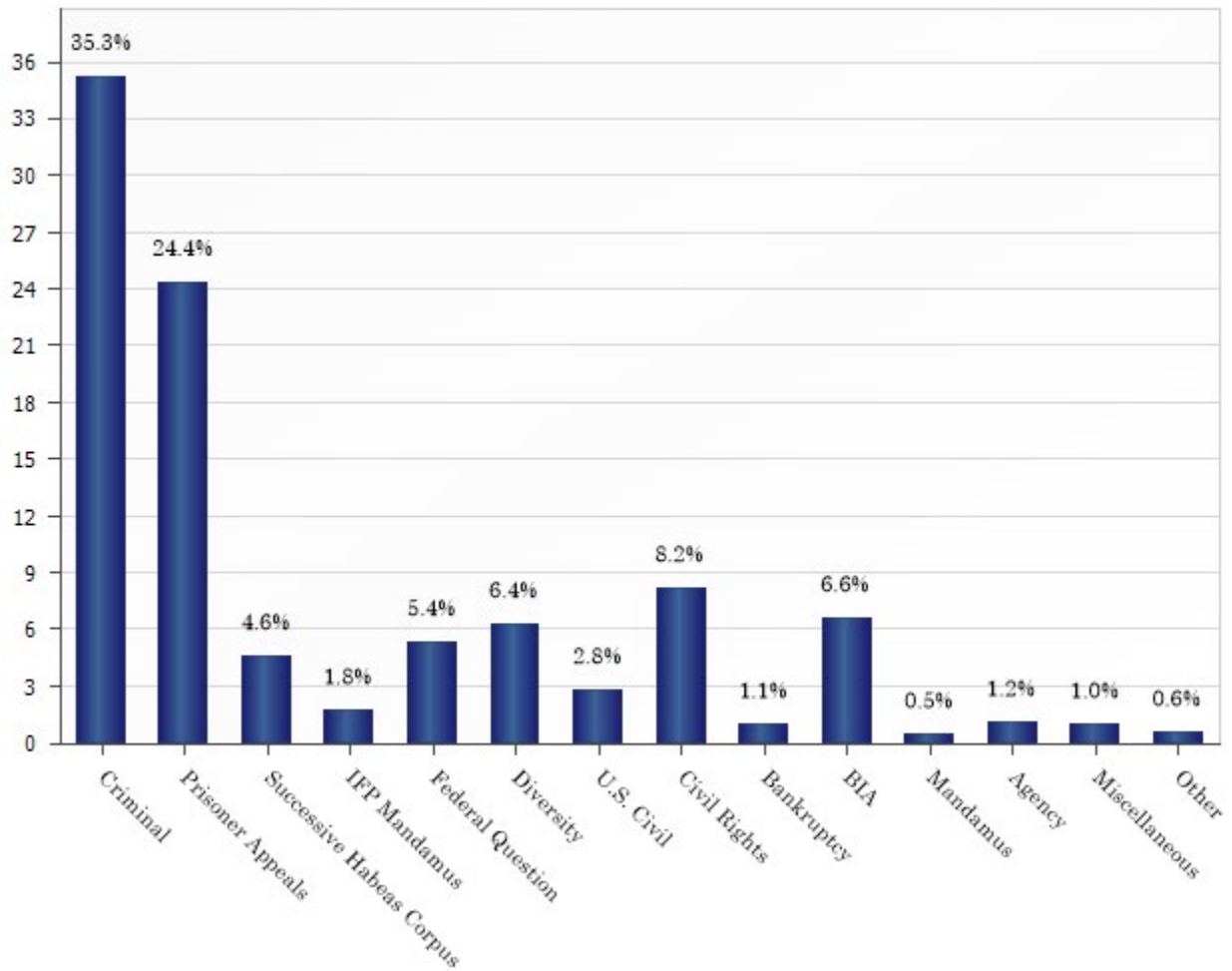
### **2. Source of New Appeals by Type**

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2022 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	
	2017	2018	2019	2020	2021	2022	No.	%
Criminal	2310	2154	2192	1951	1987	2138	+151	+7.6
Prisoner Appeals	2074	2140	1976	1608	1553	1481	-72	-4.6
Successive Habeas Corpus	728	497	503	574	320	280	-40	-12.5
IFP Mandamus	170	147	138	121	131	107	-24	-18.3
Federal Question	431	727	601	386	342	329	-13	-3.8
Diversity	439	371	345	384	349	387	+38	+10.9
U.S. Civil	125	98	119	86	101	170	+69	+68.3
Tax	7	8	13	6	10	14	+4	+40.0
Tax Court	16	15	16	15	10	5	-5	-50.0
Civil Rights	533	588	613	620	469	497	+28	+6.0
Bankruptcy	63	86	74	76	86	66	-20	-23.3
Social Security	18	7	16	21	32	18	-14	-43.8
BIA	350	394	442	626	822	402	-420	-51.1
Mandamus	39	27	29	30	28	31	+3	+10.7
Agency	46	43	47	38	54	73	+19	+35.2
Miscellaneous	41	45	40	52	57	62	+5	+8.8
	<b>7390</b>	<b>7347</b>	<b>7164</b>	<b>6594</b>	<b>6351</b>	<b>6060</b>	<b>-291</b>	<b>-4.6</b>

**Table 3 – 2022 New Appeals by Case Type**



Our biggest increase in filings was in Criminal and U.S. Civil appeals. BIA, Prisoner Appeals and Successive Habeas Corpus dropped significantly.

### **3. New Appeals**

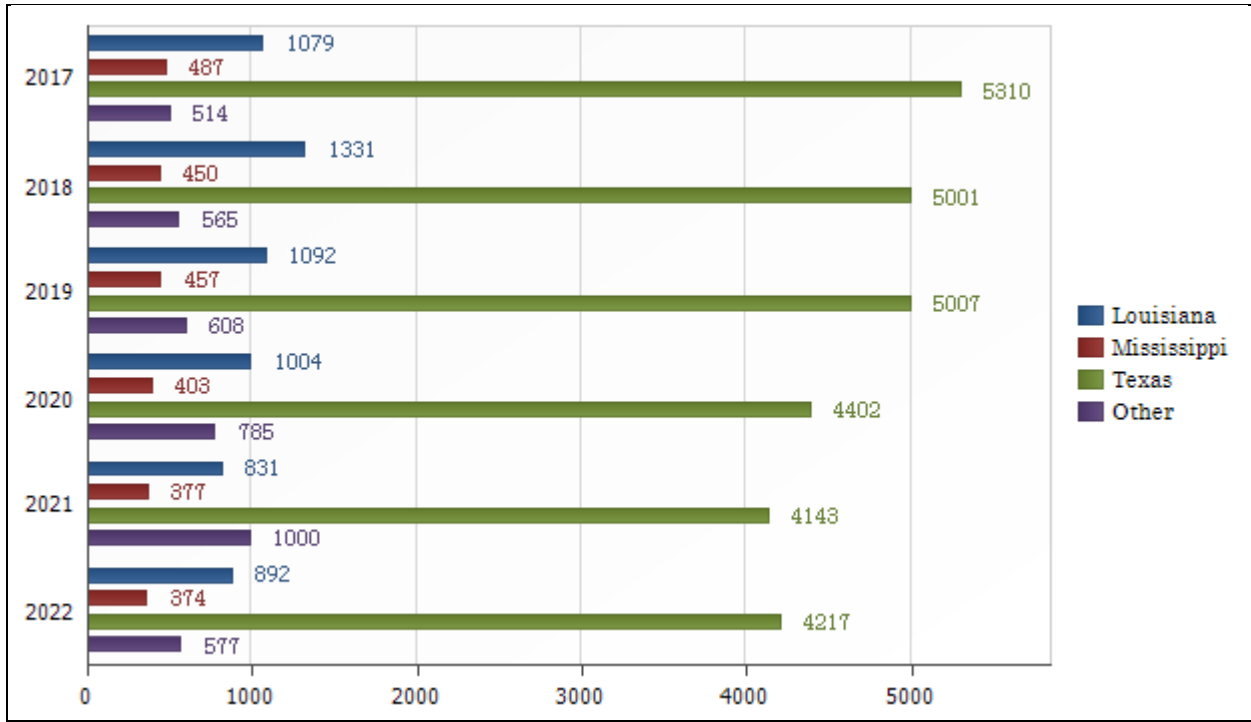
Texas Western showed the largest increase in appeals filed. Texas Eastern decreased the most. Other appeals (Agency, Bankruptcy, U.S. Tax Court, BIA, and Mandamus) decreased by 423 cases.

**Table 4 - New Appeals by Source**

	2017	2018	2019	2020	2021	2022	Change from Prior Year
Louisiana Eastern	575	807	537	408	385	347	-38
Louisiana Middle	148	164	153	195	145	127	-18
Louisiana Western	356	360	402	401	301	418	+117
<b>Subtotal</b>	<b>1079</b>	<b>1331</b>	<b>1092</b>	<b>1004</b>	<b>831</b>	<b>892</b>	<b>+61</b>
Mississippi Northern	132	136	129	123	119	107	-12
Mississippi Southern	355	314	328	280	258	267	+9
<b>Subtotal</b>	<b>487</b>	<b>450</b>	<b>457</b>	<b>403</b>	<b>377</b>	<b>374</b>	<b>-3</b>
Texas Northern	1634	1659	1654	1416	1311	1335	+24
Texas Southern	1797	1653	1532	1293	1166	1196	+30
Texas Eastern	599	534	605	509	526	406	-120
Texas Western	1280	1155	1216	1184	1140	1280	+140
<b>Subtotal</b>	<b>5310</b>	<b>5001</b>	<b>5007</b>	<b>4402</b>	<b>4143</b>	<b>4217</b>	<b>+74</b>
Agency	46	43	47	38	54	73	+19
Bankruptcy	63	86	74	76	86	66	-20
U.S. Tax Court	16	15	16	15	10	5	-5
BIA	350	394	442	626	822	402	-420
Mandamus	39	27	29	30	28	31	+3
<b>Subtotal</b>	<b>514</b>	<b>565</b>	<b>608</b>	<b>785</b>	<b>1000</b>	<b>577</b>	<b>-423</b>
<b>Total</b>	<b>7390</b>	<b>7347</b>	<b>7164</b>	<b>6594</b>	<b>6351</b>	<b>6060</b>	<b>-291</b>

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

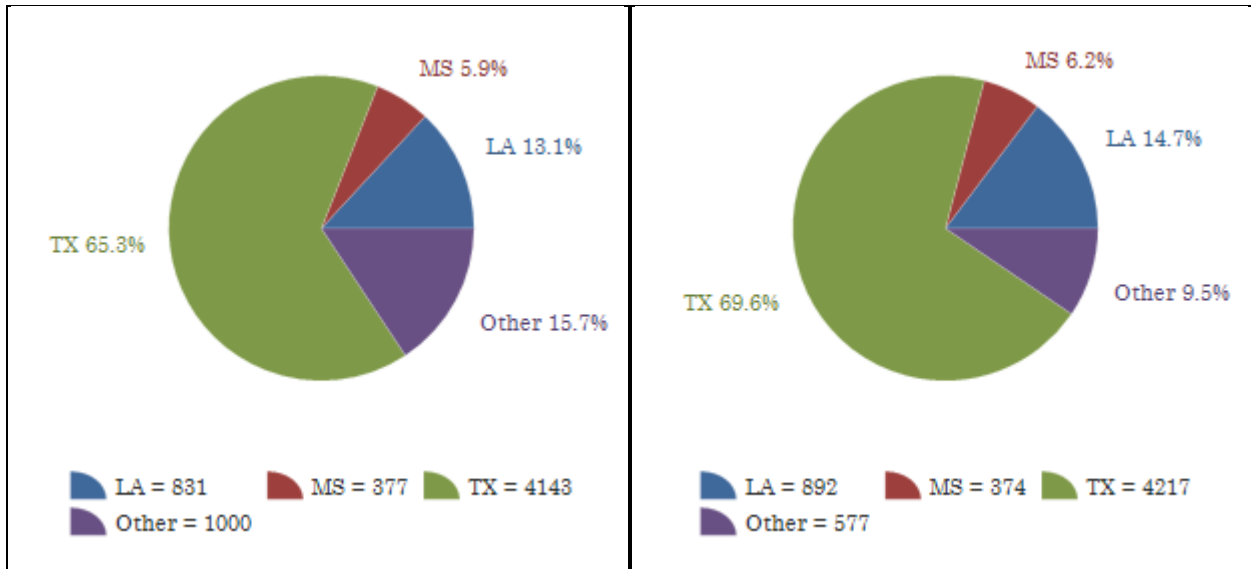
**Table 5 - New Appeals Trends**



A comparison of the percentage of appeals by state for 2021 and 2022 is shown on the following charts:

**Table 6a – 2021 New Appeals**

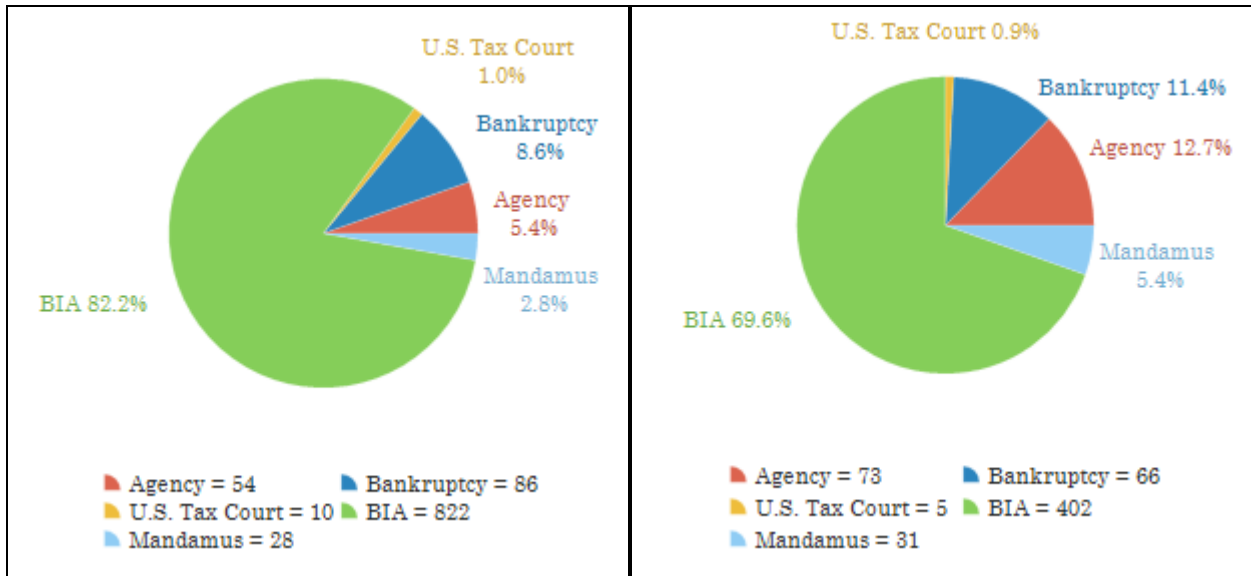
**Table 6b – 2022 New Appeals**



A comparison of the percentage of other appeals by source for 2021 and 2022 is shown on the following charts:

**Table 7a – 2021 New Appeals**

**Table 7b – 2022 New Appeals**



**B. CLOSED APPEALS**

**1. Yearly Comparison**

The court disposed of 323 more appeals this year, an increase of 5.0%.

**Table 8 – Appeals and Cases Closed**

	2017	2018	2019	2020	2021	2022	Change from Prior Year	
All Appeals	8214	7387	7377	6504	6512	6835	+323	+5.0%
Cases	7221	6575	6503	5673	5772	6030	+258	+4.5%

**2. Method of Disposition**

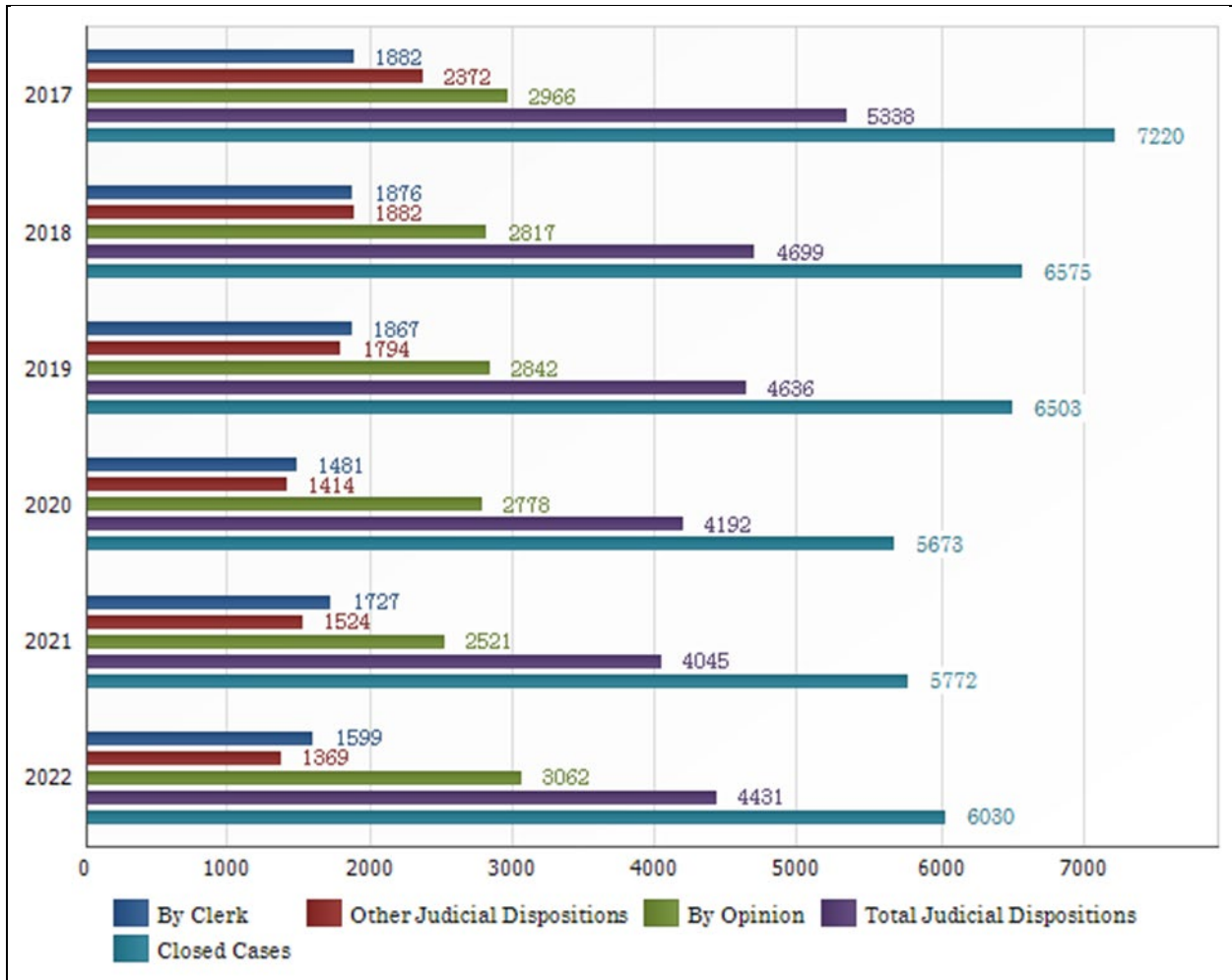
Overall, the court disposed of 258 more cases than last year. There were 541 more dispositive opinions, and other judicial dispositions decreased by 155. Clerk dispositions decreased by 128.

**Table 9 – Method of Disposition**

	2017	2018	2019	2020	2021	2022	Change from Prior Year
By Opinion*	2966	2817	2842	2778	2521	3062	+541
Other Judicial Dispositions	2372	1882	1794	1414	1524	1369	-155
Total Judicial Dispositions	5338	4699	4636	4192	4045	4431	+386
By Clerk	1882	1876	1867	1481	1727	1599	-128
Closed Cases	7220	6575	6503	5673	5772	6030	+258

\*Does not include 54 opinions that were non-dispositive, such as limited remands.

**Table 10 – Method of Disposition by Graph**



### **C. UNDISPOSED (PENDING) APPEALS/CASES**

The court disposed of 6835 **appeals** compared to 6060 filed. There are 3787 appeals pending compared to 4563 last year. There are 3220 cases pending this year compared with 3977 last year.

**Table 11 – Pending Appeals/Cases**

	2017	2018	2019	2020	2021	2022	Change from Prior Year
All Appeals Pending	4888	4848	4633	4723	4563	3787	-17.0%
Cases	4227	4111	3862	4071	3977	3220	-19.0%

The 3220 pending cases are characterized as either Cases Under Submission or Unassigned Carry-Over:

#### **1. Cases Under Submission**

Excluding 12 cases consolidated for argument and decision, and 19 held in abeyance, the pending cases argued and awaiting decision increased from last year.

**Table 12 – Cases Under Submission**

	2017	2018	2019	2020	2021	2022
Active Judges	105	137	167	200	186	199
Senior Judges	22	62	18	26	23	22
Visiting Judges	0	0	2	0	2	0
Total	127	199	187	226	211	221



## **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 by 756. This leaves 2980 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>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Unassigned Cases</b>	4092	3901	3658	3839	3736	2980
<b>New Appeals</b>	7390	7347	7164	6594	6351	6060
<b>% Unassigned Cases to New Appeals</b>	55.4	53.1	51.1	58.2	58.8	49.2

The 2980 unassigned cases fall into the following categories.

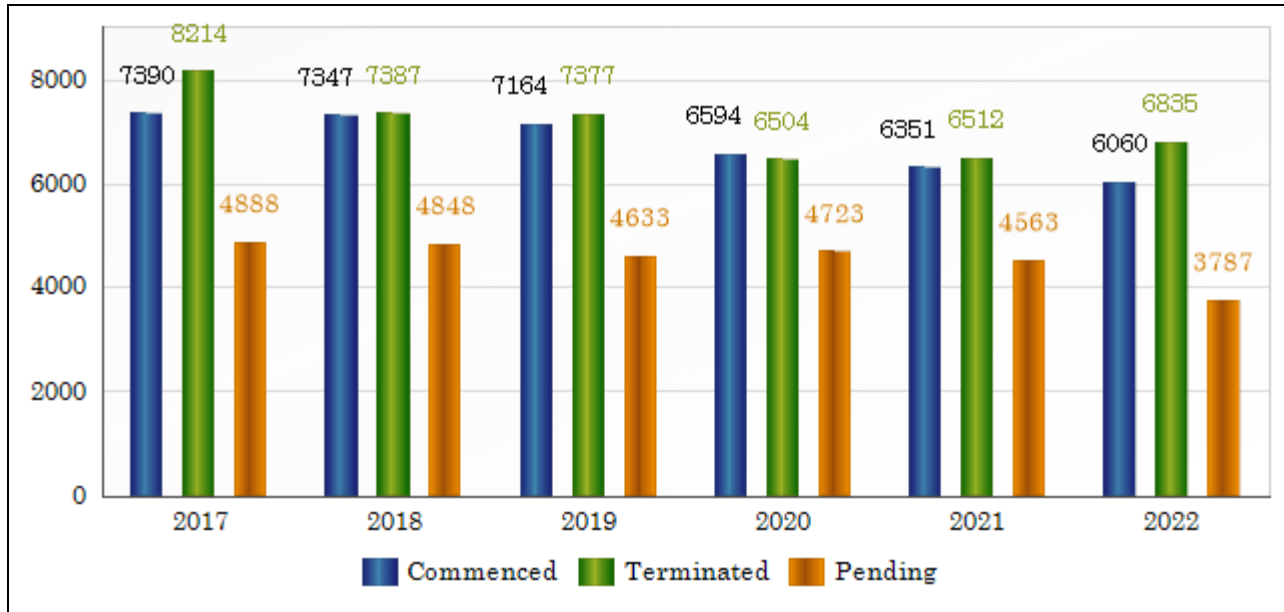
**Table 14 – Unassigned Carry-Over by Category**

Category	2021	2022
(a) Already Briefed		
Calendared for Oral Argument	142	166
Briefed but Held in Abeyance	70	47
Awaiting Assignment to Oral Argument Calendar	67	53
Awaiting Assignment to Screening Panel	2	0
Being Screened	960	760
Assignment to Panel for Jurisdictional Review	10	9
<b>Subtotal</b>	<b>1251</b>	<b>1035</b>
(b) Unbriefed Cases		
Pre-Briefing	1069	789
Records Due	102	128
Being Briefed	1187	895
Stayed/Held in Abeyance	57	63
Awaiting DC Action*	70	70
<b>Subtotal</b>	<b>2485</b>	<b>1945</b>
<b>Total</b>	<b>3736</b>	<b>2980</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**

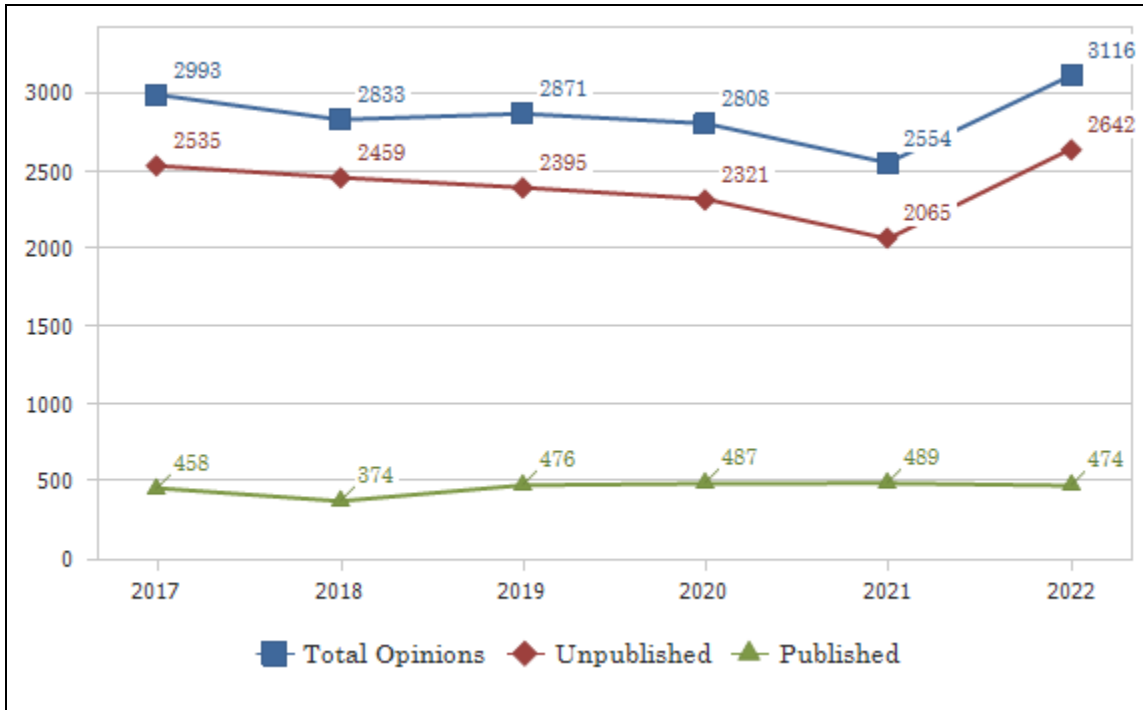
**1. Number of Opinions, Published and Unpublished**

The total number of opinions increased by 562. Total opinions, including the numbers published and unpublished for the last six years are:

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

	2017	2018	2019	2020	2021	2022
Total Opinions	2993	2833	2871	2808	2554	3116
Published	458	374	476	487	489	474
Unpublished	2535	2459	2395	2321	2065	2642

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



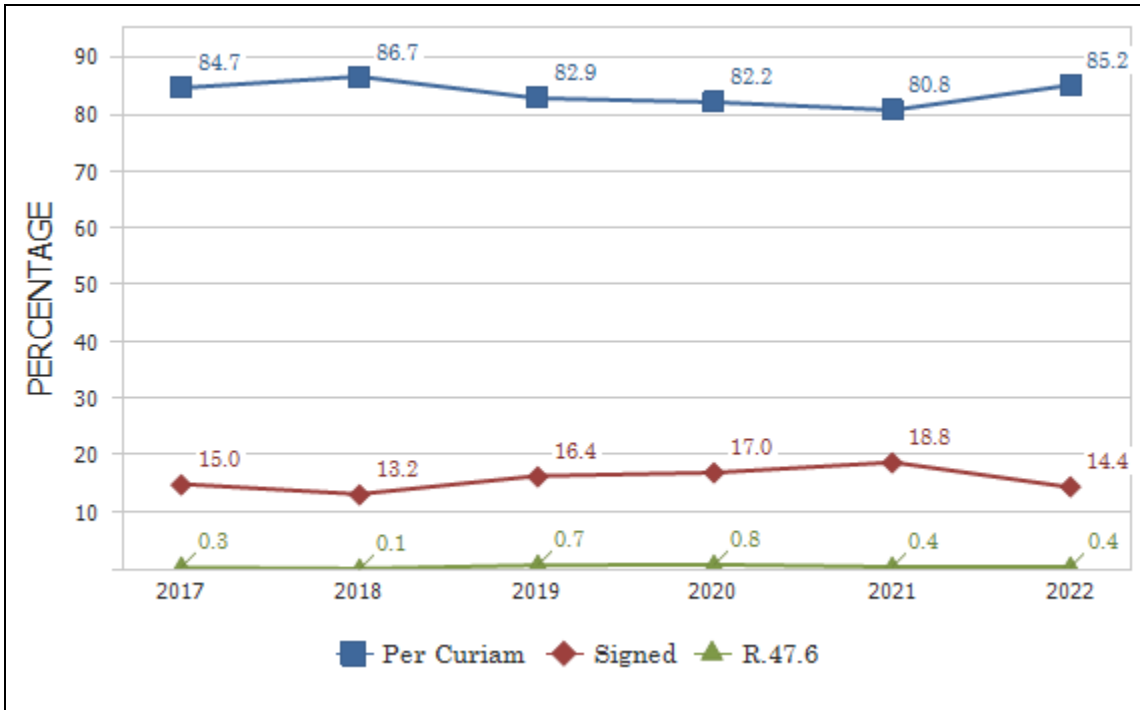
**2. Types of Opinions**

Signed opinions decreased by 6.3% this year and per curiam opinions increased by 28.5%.

**Table 18 – Types of Opinions**

	2017	2018	2019	2020	2021	2022
Signed Opinions	15.0%	13.2%	16.4%	17.0%	18.8%	14.4%
Per Curiam Opinions	84.7%	86.7%	82.9%	82.2%	80.8%	85.2%
Rule 47.6 Opinions	0.3%	0.1%	0.7%	0.8%	0.4%	0.4%

**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 increased by 876 from 1175 to 2051. The percentage of signed opinions on the summary calendar decreased by 41.7% and per curiam opinions increased by 75.6%.

**Table 20 – Summary Calendar Opinions**

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Signed Opinions	2.7%	1.4%	1.9%	1.8%	1.0%	0.3%
Per Curiam Opinions	96.9%	98.5%	97.1%	96.9%	98.7%	99.3%
Rule 47.6 Opinions	0.4%	0.1%	1.0%	1.3%	0.3%	0.4%

(b) Oral Argument Calendar

Signed opinions on the oral argument calendar decreased by 5.3%. Per curiam opinions increased by 14.2%.

**Table 21 – Oral Argument Opinions**

	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Signed Opinions	44.3%	40.5%	43.8%	44.1%	46.2%	41.6%
Per Curiam Opinions	55.5%	59.4%	55.4%	55.3%	53.3%	58.0%
Rule 47.6 Opinions	0.2%	0.1%	0.8%	0.6%	0.5%	0.4%

#### 4. Published and Unpublished Opinions

Of the 3116 opinions, 474 (15.2%) were published. The number of published opinions decreased by 15 from the preceding year.

##### (a) Number and Percentage – 2022

**Table 22 – Opinion Number and Percentage 2022**

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	409	90.9	41	9.1	450
Per Curiam Opinions	65	2.5	2588	97.5	2653
Rule 47.6 Opinions	0	0	13	100.0	13
Total	474	15.2	2642	84.8	3116

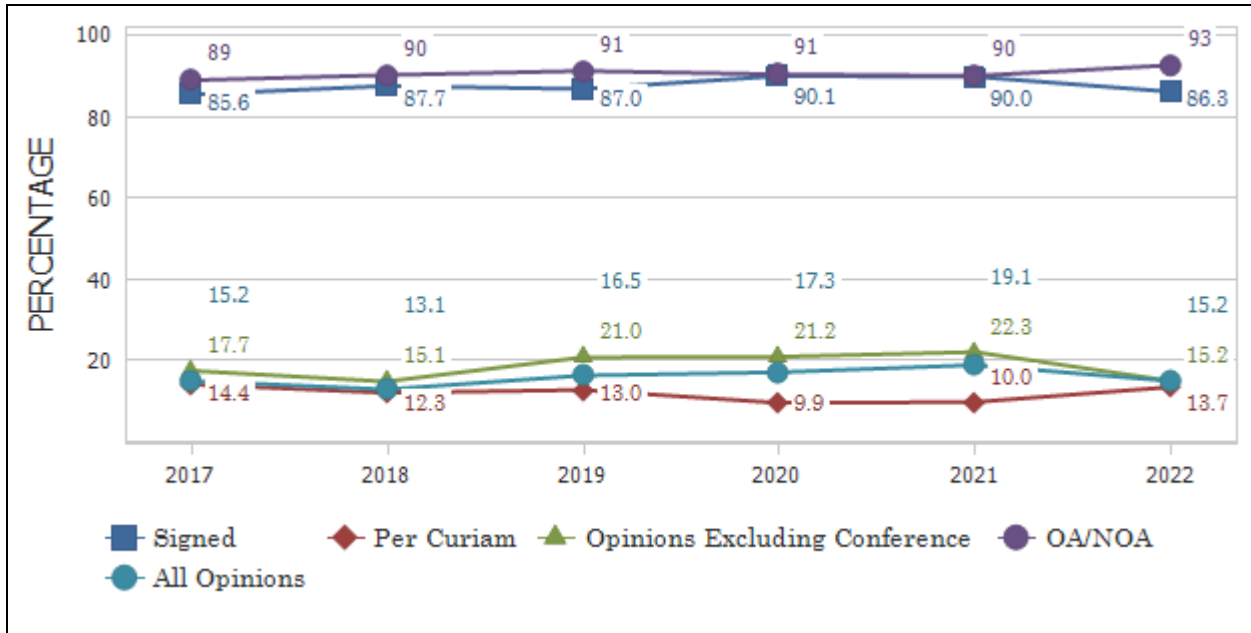
##### (b) Percentage Comparison (Published) - 2017 – 2022

**Table 23 – Published Opinion Percentage**

	% Published					
	2017	2018	2019	2020	2021	2022
Signed Opinions	85.6	87.7	87.0	90.1	90.0	86.3
Per Curiam Opinions	14.4	12.3	13.0	9.9	10.0	13.7
Opinions Excluding Conference Calendar*	17.7	15.1	21.0	21.2	22.3	-
Oral Argument/No Oral Argument	89.1	90.4	91.4	90.6	90.2	92.8
All Opinions	15.2	13.1	16.5	17.3	19.1	15.2

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

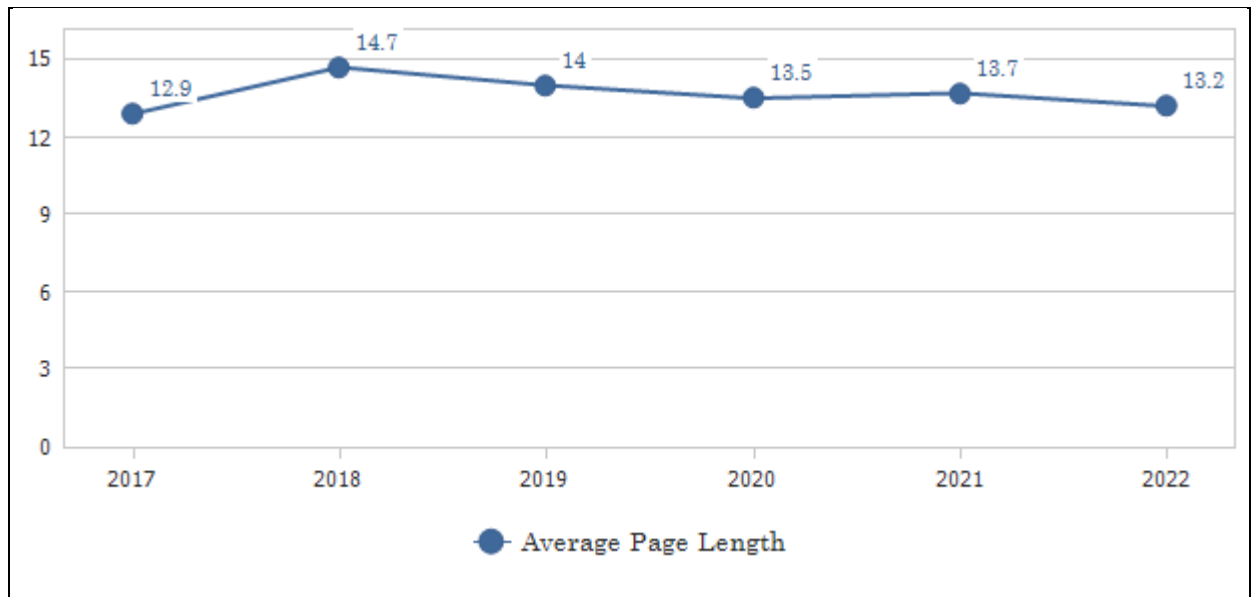
**Table 24 – Published Opinion Percentage Comparison by Graph**



(c) Length of Published Opinions

The average page length of opinions is down 3.6% from 2021.

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





## 5. Reversal Rate

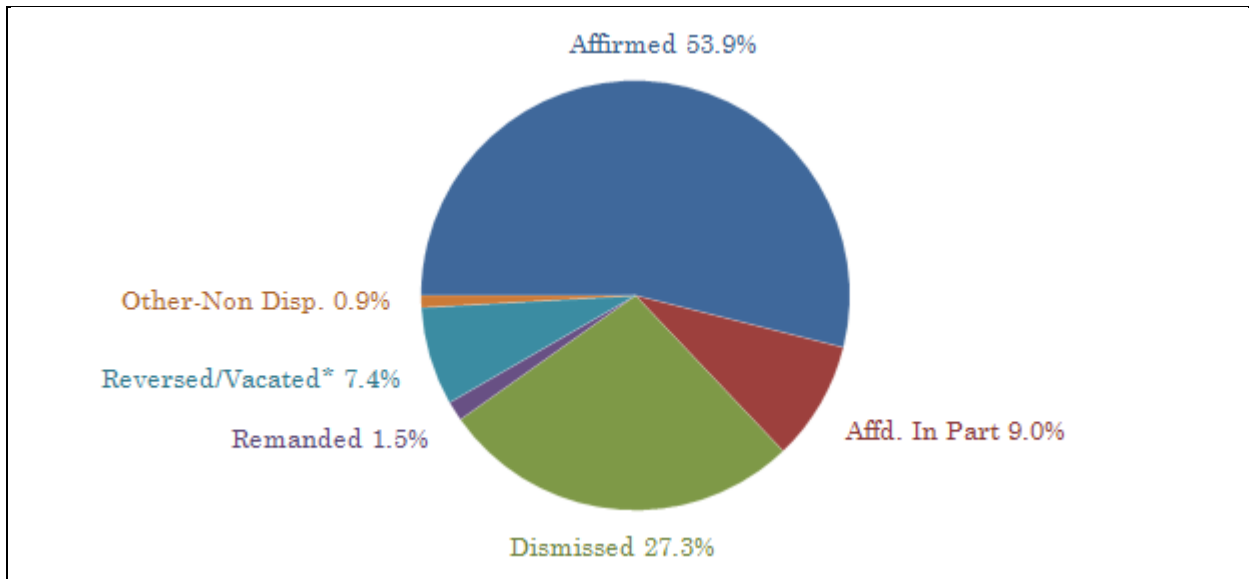
The 2022 reversed/vacated rate of 7.4% is lower than the 2021 reversed/vacated rate of 7.6%.

**Table 26 – Reversal Rate**

	2022						2021
	Summary		Hearing		Overall		Overall
	No.	%	No.	%	No.	%	%
Affirmed	1126	54.9	555	52.1	1681	53.9	59.7
Affd. In Part	152	7.4	127	11.9	279	9.0	8.1
Dismissed	710	34.7	139	13.1	849	27.3	22.8
Remanded	14	0.7	32	3.0	46	1.5	1.1
Transferred	0	0.0	0	0.0	0	0.0	0.0
Reversed/Vacated*	48	2.3	184	17.3	232	7.4	7.6
Other-Non Disp.	1	0.0	28	2.6	29	0.9	0.7
<b>Total</b>	<b>2051</b>	<b>100.0</b>	<b>1065</b>	<b>100.0</b>	<b>3116</b>	<b>100.0</b>	<b>100.0</b>

\*The reversed and vacated categories are reported together consistent with Administrative Office reports.

**Table 27 – Reversal Rate by Percentage by Graph**



**6. Concurrences and Dissents**

The following reflects the concurrences and dissents for the past six statistical years.

**Table 27a – Concurrences and Dissents**

<b>Judge Involvement</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Concurring	28	23	36	22	38	<b>38</b>
Dissenting	45	50	37	50	45	<b>66</b>
Concurring and Dissenting	12	16	10	15	23	<b>11</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, 2021, through June 30, 2022 increased from the previous year.

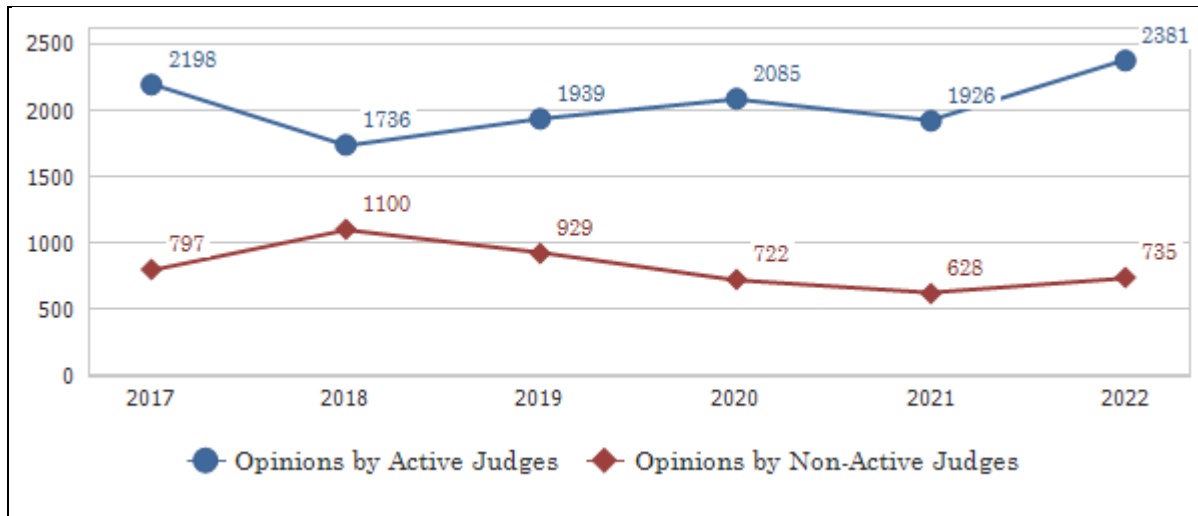
## 2. Opinion Output - Overall – 2017 – 2022

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

**Table 28 – Opinion Output**

	2017 <sup>1</sup>	2018 <sup>2</sup>	2019 <sup>3</sup>	2020 <sup>4</sup>	2021 <sup>5</sup>	2022 <sup>6</sup>
<b>(a) Opinions by Active Judges</b>	2198	1736	1939	2085	1926	2381
<b>(b) Opinions by Non-Active Judges</b>	797	1100	929	722	628	735
<b>(c) Total Opinion Output</b>	2995	2836	2870	2808	2554	3116
<b>(d) Opinions per Active Judge</b>	157	139	130	130	114	140

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



<sup>1</sup> In 2017, there were 14 active judges, 7 senior status judges who participated and 2 visiting judges.

<sup>2</sup> In 2018, there were 15 active judges, 9 senior status judges who participated and 2 visiting judges.

<sup>3</sup> In 2019, there were 16 active judges, 9 senior status judges who participated and 2 visiting judges.

<sup>4</sup> In 2020, there were 16 active judges, 9 senior status judges who participated and 2 visiting judges.

<sup>5</sup> In 2021, there were 17 active judges, 7 senior status judges who participated and 2 visiting judges.

<sup>6</sup> In 2022, there were 17 active judges, 7 senior status judges who participated and 2 visiting judges.

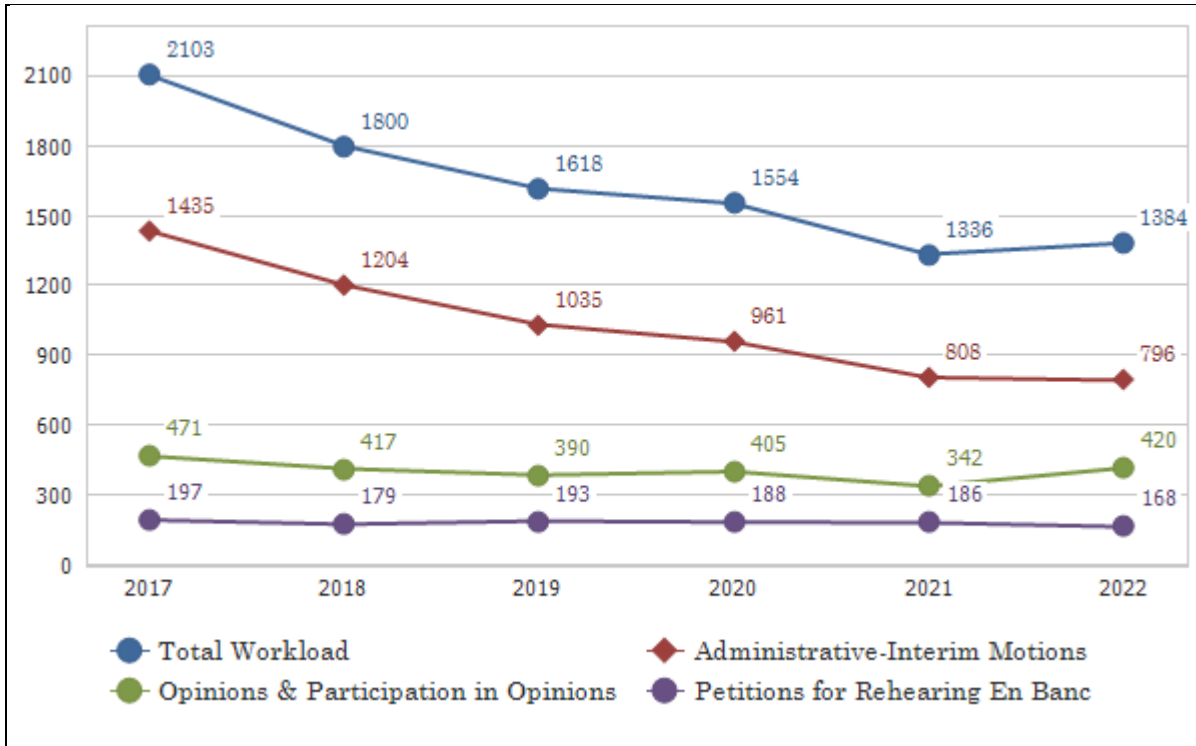
### **3. Overall Workload**

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 48 more 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 30 – Overall Workload**

	Per Active Judge					
	2017	2018	2019	2020	2021	2022
Opinions and Participations in Opinions*	471	417	390	405	342	420
Petitions for Rehearing En Banc	197	179	193	188	186	168
Administrative-Interim Motions	1435	1204	1035	961	808	796
Total Workload	2103	1800	1618	1554	1336	1384

**Table 31 – Overall Workload by Graph**



\*Based on figures of active 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 cases disposed of on the oral argument calendar. There was an increase in the percentage of cases sent to the oral argument calendar.

**Table 32 – Screening Classifications**

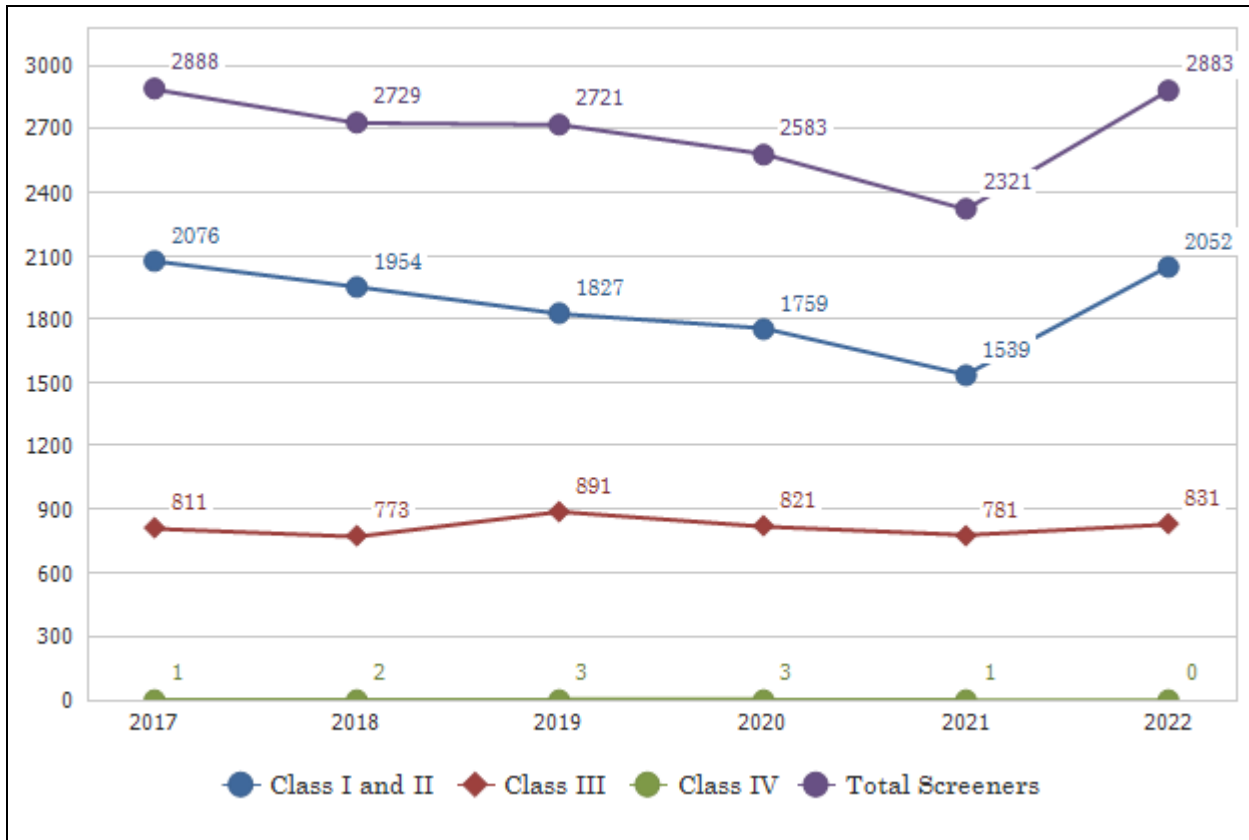
CLASS							
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total
	No.	%	No.	%	No.	%	No.
<b>2017</b>	2076	71.9	811	28.1	1	0.0	2888
<b>2018</b>	1954	71.6	773	28.3	2	0.1	2729
<b>2019</b>	1827	67.2	891	32.7	3	0.1	2721
<b>2020</b>	1759	68.1	821	31.8	3	0.1	2583
<b>2021</b>	1539	66.4	781	33.6	1	0.0	2321
<b>2022</b>	2052	71.2	831	28.8	0	0.0	2883
<b>Total</b>	11207*	69.5	4908	30.4	10	0.1	16125

Argument was held in 53.5% of the 831 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**



\* 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 34 – Summary Calendar Percentage by Case Type**

	<b>Summary Calendar Percentage (%)</b>					
<b>Case Type</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
CRIMINAL DIRECT	84.3	86.5	85.2	86.1	88.3	92.7
CRIMINAL NON-DIRECT	91.6	96.2	86.1	82.3	78.1	87.9
PRISONER CASES						
With Counsel	25.0	34.6	37.0	10.5	26.3	33.3
Without Counsel	89.5	87.0	76.7	81.7	73.6	79.0
2255						
With Counsel	25.0	16.7	31.2	37.9	57.9	33.3
Without Counsel	61.5	91.7	60.0	70.0	61.5	57.1
CIVIL						
Diversity	41.0	30.4	33.0	41.1	24.0	25.1
Federal Question	27.7	27.4	29.1	25.7	21.0	24.7
U.S. Civil	29.5	30.2	25.0	42.3	32.4	25.9
Tax	50.0	0.0	33.3	0.0	16.7	12.5
Bankruptcy	37.1	28.1	22.6	29.8	27.8	46.2
Civil Rights	37.5	40.1	38.0	34.2	36.2	26.5
BIA	81.9	85.8	79.6	68.7	78.2	79.6
Tax Court	33.3	33.3	75.0	46.7	50.0	25.0
Other Agency	30.8	10.0	22.2	19.0	20.8	5.6
Social Security	81.8	37.5	75.0	100.0	50.0	50.0
Mandamus	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>71.9</b>	<b>71.6</b>	<b>67.1</b>	<b>68.1</b>	<b>66.3</b>	<b>71.2</b>



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

The court had 14 petitions for en banc rehearing pending at the beginning of the court year and received 189 petitions for en banc rehearing during this court year, 10 more than the prior year (179). Parties requested en banc rehearing in 6.1% of the cases with opinions. The court acted upon 168 petitions for en banc rehearing and 35 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 163 cases, 6 of which were after a poll. The court granted 4 petitions for rehearing en banc by the parties. In one other case, the court sua sponte granted en banc rehearing. One petition for rehearing en banc was disposed of by other means. See **Enclosure D**, page 31.

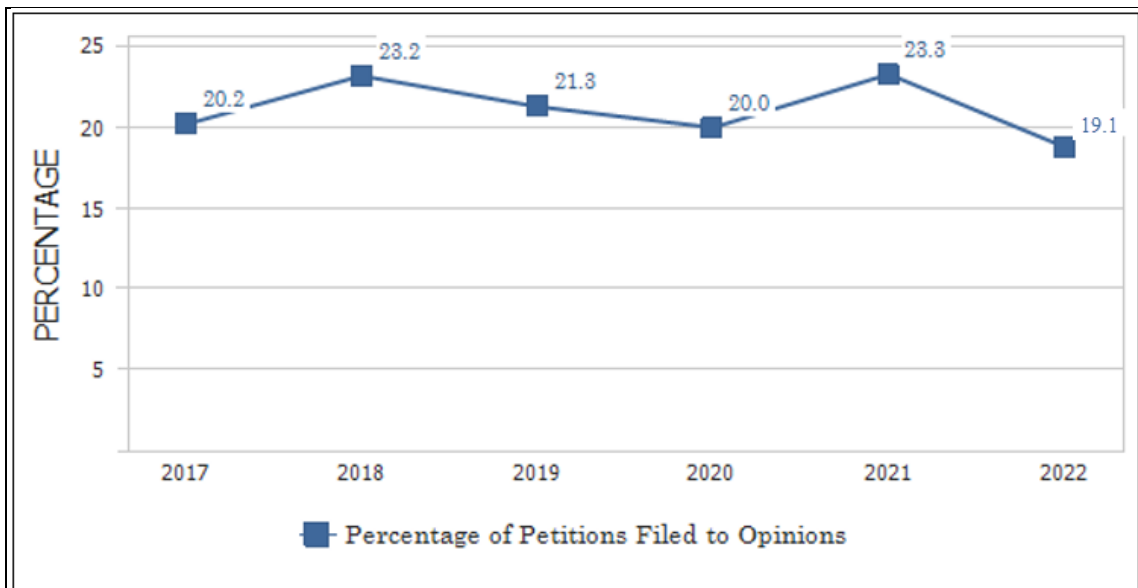
## **I. PETITIONS FOR CERTIORARI**

The number of petitions filed is as follows:

**Table 35 – Petitions for Certiorari**

Petitions Filed	2017	2018	2019	2020	2021	2022
Criminal	351	308	257	266	323	292
U.S. Civil	58	73	84	66	67	63
Private Civil	183	266	260	218	183	223
Administrative Appeals	12	11	11	13	21	17
<b>Total</b>	604	658	612	563	594	595
<b>Opinions Rendered</b>	2995	2836	2870	2808	2554	3116
<b>% of Petitions filed to Opinions</b>	20.2	23.2	21.3	20.0	23.3	19.1

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



The Supreme Court took action on 579 cases from our Court compared with 591 last year. The Court granted 22 petitions, 15 fewer than last year, or 3.8% of the total. (For additional information, see **Enclosure E**, page 32.)

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

The administrative-interim motions decreased to 3264 from 3606 last year, to an average of 192 initiating actions per active judge. When panel matters are considered, each judge acted on 796 such motions, a decrease from 808 last year. See **Enclosure F**, page 33, for other details.

## New Appeals Docketed by Case Type for the Month Ending 6/30/2022

CASE TYPE	(a)	(b)		(c)	(d)	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
	MO. % 2021-2022	CUMULATIVE % 20-21	CUMULATIVE % 21-22	2020 2021	2021 2022												
CRIMINAL CASES	30.39%	31.29%	35.28%	1,987	2,138	172	197	234	193	195	178	135	149	171	169	180	165
PRISONER CASES																	
w/counsel	1.10%	2.25%	2.21%	143	134	14	15	14	12	7	16	7	7	12	13	11	6
w/o counsel	19.52%	22.20%	22.23%	1,410	1,347	117	121	120	130	78	93	97	91	140	135	119	106
Succ Habeas	7.00%	5.04%	4.62%	320	280	24	27	30	17	11	29	22	11	27	30	14	38
Non-Pd Mandamus	1.84%	2.06%	1.77%	131	107	6	8	10	7	7	11	12	2	17	6	11	10
SUB-TOTAL	59.85%	62.84%	66.11%	3,991	4,006	333	368	408	359	298	327	273	260	367	353	335	325
CIVIL																	
Private Civil	8.84%	10.88%	11.82%	691	716	79	83	70	68	35	45	54	52	41	91	50	48
Diversity	5.16%	5.50%	6.39%	349	387	56	43	27	36	21	24	25	23	17	59	28	28
Fed. Quest.	3.68%	5.38%	5.43%	342	329	23	40	43	32	14	21	29	29	24	32	22	20
U.S. CIVIL	11.97%	1.59%	2.81%	101	170	13	10	12	9	16	4	9	2	10	11	9	65
Tax	0.00%	0.16%	0.23%	10	14	1	0	2	0	1	2	1	0	1	5	1	0
Tax Court	0.00%	0.16%	0.08%	10	5	0	1	1	0	0	0	1	0	0	2	0	0
Bankruptcy	1.47%	1.35%	1.09%	86	66	8	4	6	9	0	6	4	4	5	7	5	8
BIA	5.34%	12.94%	6.63%	822	402	44	41	30	40	38	39	35	30	26	32	18	29
Other Agency	1.29%	0.85%	1.20%	54	73	1	4	2	13	13	3	8	2	9	5	6	7
Civil Rights	9.02%	7.38%	8.20%	469	497	32	38	48	52	36	30	31	36	55	47	43	49
Soc. Security	0.37%	0.50%	0.30%	32	18	3	1	0	0	2	1	3	0	0	3	3	2
Mandamus	0.37%	0.44%	0.51%	28	31	2	7	4	4	0	3	1	4	1	1	2	2
Miscellaneous	1.47%	0.90%	1.02%	57	62	5	7	5	5	2	1	5	3	5	8	8	8
SUB-TOTAL	40.15%	37.16%	33.89%	2,360	2,054	188	196	180	200	143	134	152	133	153	212	145	218
<b>TOTAL APPEALS</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>6,351</b>	<b>6,060</b>	<b>521</b>	<b>564</b>	<b>588</b>	<b>559</b>	<b>441</b>	<b>461</b>	<b>425</b>	<b>393</b>	<b>520</b>	<b>565</b>	<b>480</b>	<b>543</b>

## Legend

- Col: (a): Monthly Percentage Make-Up of the New Filings  
 (b): The Cumulative Percentage for the corresponding months in 20-21 compared with 21-22  
 (c): The Cumulative Total Filings for the corresponding months in 20-21  
 (d): The Cumulative Total for 21-22

**WORKLOAD PER ACTIVE JUDGE**

I.	SUMMARY CALENDAR CASES*			
	(a) Opinions as initiating judge	88		
	(b) Participations in opinions of other panel members		176	
	(c) Sub-total summary calendar cases			264
II.	HEARING CALENDAR AND OTHER CASES*			
	(a) Opinions as writing judge	52		
	(b) Participations in opinions of other panel members		104	
	(c) Sub-total oral argument cases			156
III.	TOTAL OPINIONS (I(a), II(a))*	140		
IV.	TOTAL PANEL PARTICIPATIONS (I(b), II(b))*		280	
V.	TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c))*			420
VI.	PETITIONS FOR REHEARING EN BANC			168
VII.	ADMINISTRATIVE-INTERIM MATTERS			
	(a) Single Judge Matters	127		
	(b) Participation in panel matters as initiating judge	223		
	(c) Participation in panel matters of other panel members		446	
	(d) Sub-total administrative -interim matters			796
VIII.	TOTAL MATTERS PARTICIPATED IN PER JUDGE			1384

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

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

PERIOD: July 1, 2021 - June 30, 2022

<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	516	628	90	0	1234	92.7
CRIMINAL NON-DIRECT	27	184	29	0	240	87.9
PRISONER CASES						
HC-With Counsel	0	2	10	0	12	16.7
HC-Without Counsel	4	30	14	0	48	70.8
1983-With Counsel	0	4	9	0	13	30.8
1983-Without Counsel	14	74	25	0	113	77.9
O. Pris.-With Counsel	1	4	3	0	8	62.5
O. Pris.-Without Counsel	4	36	4	0	44	90.9
2255-With Counsel	0	5	10	0	15	33.3
2255-Without Counsel	1	3	3	0	7	57.1
CIVIL						
Diversity	4	44	143	0	191	25.1
Fed. Question	4	35	119	0	158	24.7
U.S. Civil	3	12	43	0	58	25.9
Tax	0	1	7	0	8	12.5
Bankruptcy	13	11	28	0	52	46.2
Civ. Rights	10	58	189	0	257	26.5
BIA	1	312	80	0	393	79.6
Tax Court	1	0	3	0	4	25.0
Other Agency	0	1	17	0	18	5.6
Social Security	0	5	5	0	10	50.0
Mandamus	0	0	0	0	0	0.0
<b>TOTAL</b>	<b>603</b>	<b>1449</b>	<b>831</b>	<b>0</b>	<b>2883</b>	<b>71.2</b>

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

<u>7/1/2021 - 6/30/2022</u>		<b>TOTAL</b>
<b>TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR</b>		14
<b>Petitions for Rehearing En Banc FILED this Year</b>		189
<b>Petitions for Rehearing En Banc DENIED</b>		163
With Poll	6	
Without Poll	157	
<b>En Banc GRANTED</b>		4
On Petition With Oral Argument	3	
On Petition Without Oral Argument	0	
Sua Sponte En Banc With Oral Argument	1	
Sua Sponte En Banc Without Oral Argument	0	
<b>Disposed of by Other Means</b>		1
<b>TOTAL PENDING AS OF 6/30/2022</b>		<b>35</b>

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

**SUMMARY**

**PERIOD: JULY 1, 2021 - JUNE 30, 2022**

TYPE	PENDING 6/30/2021	NUMBER FILED	TYPE OF DISPOSITION				PENDING 6/30/2022
			GRANTED	DENIED	DISMISSED	REMOVED	
TOTAL	77	595	22	552	6	0	92
CRIM	30	292	8	272	1	0	41
USC	8	63	9	54	2	0	6
PRIV. CIV.	34	223	5	208	3	0	41
ADM*	5	17	0	18	0	0	4

\*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 2022)**

Motion to or for:	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	TOTALS
Dismiss	56	39	26	38	34	45	25	22	28	30	25	23	391
Reinstate Appeal	2	5	3	4	0	4	2	1	4	2	3	2	32
Appointment of Counsel	4	8	11	8	14	10	2	6	6	10	3	3	85
Expedite Hearing, for Continuance, or Special Assignment	4	5	1	2	3	5	4	1	4	3	3	6	41
Stay or for Injunction and/or Supersedeas Pending Appeal	6	18	7	8	9	11	8	11	7	11	7	19	122
Supplement the Record	4	2	2	7	4	6	2	6	7	3	4	8	55
Strike Briefs, Designations for Printing, etc	1	0	1	1	0	0	2	2	4	2	0	1	14
Excess Pages in Brief	2	6	3	5	3	3	1	2	2	1	2	1	31
Bail Pending Appeal	1	2	0	0	0	2	1	0	0	0	3	3	12
Interlocutory Appeal (Sec. 1292(b))	5	3	3	3	3	1	1	4	2	5	2	4	36
Jurisdiction	35	29	23	21	16	33	28	22	27	14	19	36	303
Withdraw as Counsel	15	10	11	7	6	5	10	7	8	3	6	10	98
Extensions of Time	32	27	24	31	30	34	33	38	54	37	30	31	401
Certificate of Appealability/Additional COA Issues	34	12	16	43	40	24	8	29	43	12	18	17	296
Leave to Appeal In Forma Pauperis	18	22	21	17	17	24	16	8	40	27	17	5	232
Issuance of COA and Leave to Appeal In Forma Pauperis	16	8	3	11	16	4	1	4	19	3	7	11	103
Mandamus or Prohibition	12	11	8	10	1	6	7	3	7	4	9	6	84
Successive Petitions	16	5	10	24	19	19	10	13	12	18	17	14	177
Miscellaneous Motions	66	71	65	74	51	64	49	60	66	59	59	67	751
<b>TOTALS</b>	<b>329</b>	<b>283</b>	<b>238</b>	<b>314</b>	<b>266</b>	<b>300</b>	<b>210</b>	<b>239</b>	<b>340</b>	<b>244</b>	<b>234</b>	<b>267</b>	<b>3,264</b>