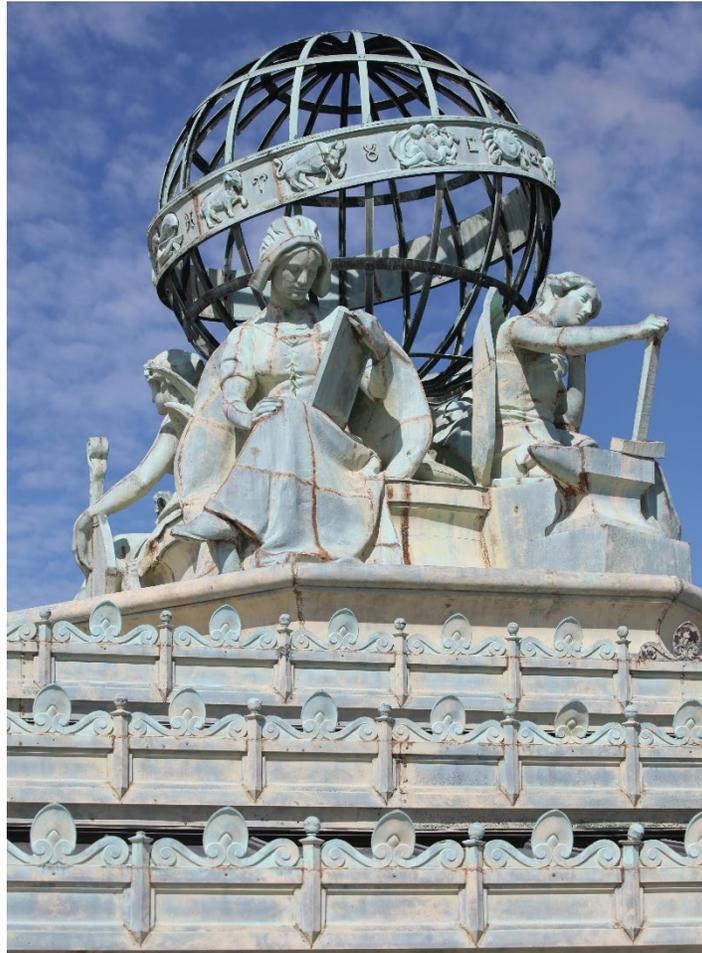


JUDICIAL
WORKLOAD
STATISTICS



*UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT*

CLERK'S ANNUAL REPORT
JULY 2022 - JUNE 2023

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, 2022, through June 30, 2023.

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

	2018	2019	2020	2021	2022	2023
New Appeals	7347	7164	6594	6351	6060	5740
Terminations	7387	7377	6504	6513	6833	5988
By Judges	4699	4636	4192	4046	4431	3961
By Clerk	1876	1867	1481	1727	1600	1350
By Consolidation	812	874	831	740	802	677
Pending Appeals	4848	4633	4723	4563	3787	3541
Total Cases Screened for Decision as to Oral Argument	2711	2707	2564	2309	2854	2620
Cases Sent to:						
Summary Calendar	1594	1221	1254	1174	2052	1813
Conference Calendar*	360	606	505	365	-	-
Oral Argument Calendar	775	893	823	782	830	807
Summary Calendar Rate	67.3%	57.8%	60.4%	60.0%	71.2%	69.2%
Conference & Summary Calendar Rate*	71.6%	67.2%	68.1%	66.3%	-	-
Cases Ready for Argument	158	153	146	67	53	117
Cases Pending Under Submission	199	187	226	214	223	232
90-day Cases	59	70	105	107	119	118
Total Opinions	2833	2871	2808	2554	3116	2786
Published Opinions	374	476	487	489	474	404
Unpublished Opinions	2459	2395	2321	2065	2642	2382
Opinions per Active Judge	139	130	130	114	140	131
Publication Rate	13.1%	16.5%	17.3%	19.1%	15.2%	14.5%
Average Page Length of Published Opinions	14.6	13.8	13.4	13.5	13.1	14.0
Participations per Active Judge in Opinions	417	390	405	342	420	393
En Banc Cases	8	6	8	10	4	9
Motions per Active Judge	1204	1035	961	808	796	649

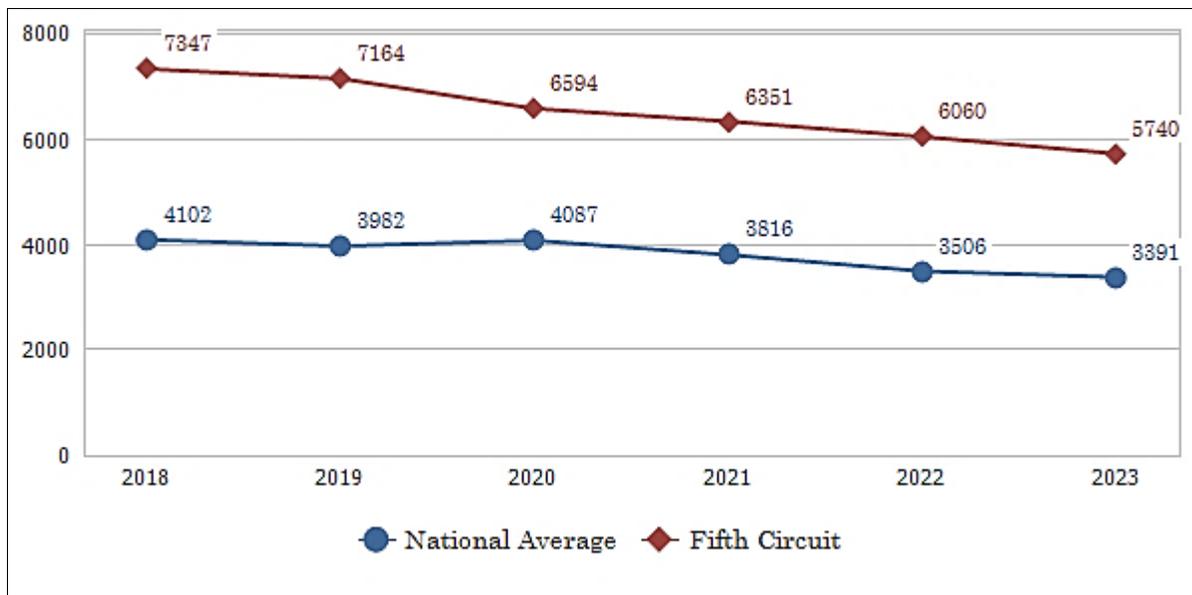
*Conference Calendar was Discontinued June 30, 2021

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 320 appeal decrease (5.3%), from 6060 to 5740 appeals. Civil Rights appeals increased by 103 (20.7%) and Federal Question appeals increased by 31 (9.5%). Prisoner appeals decreased by 208 (14.0%). BIA appeals decreased by 140 (34.8%). Criminal appeals decreased by 109 (5.1%).

Table 1 - New Appeals Filed



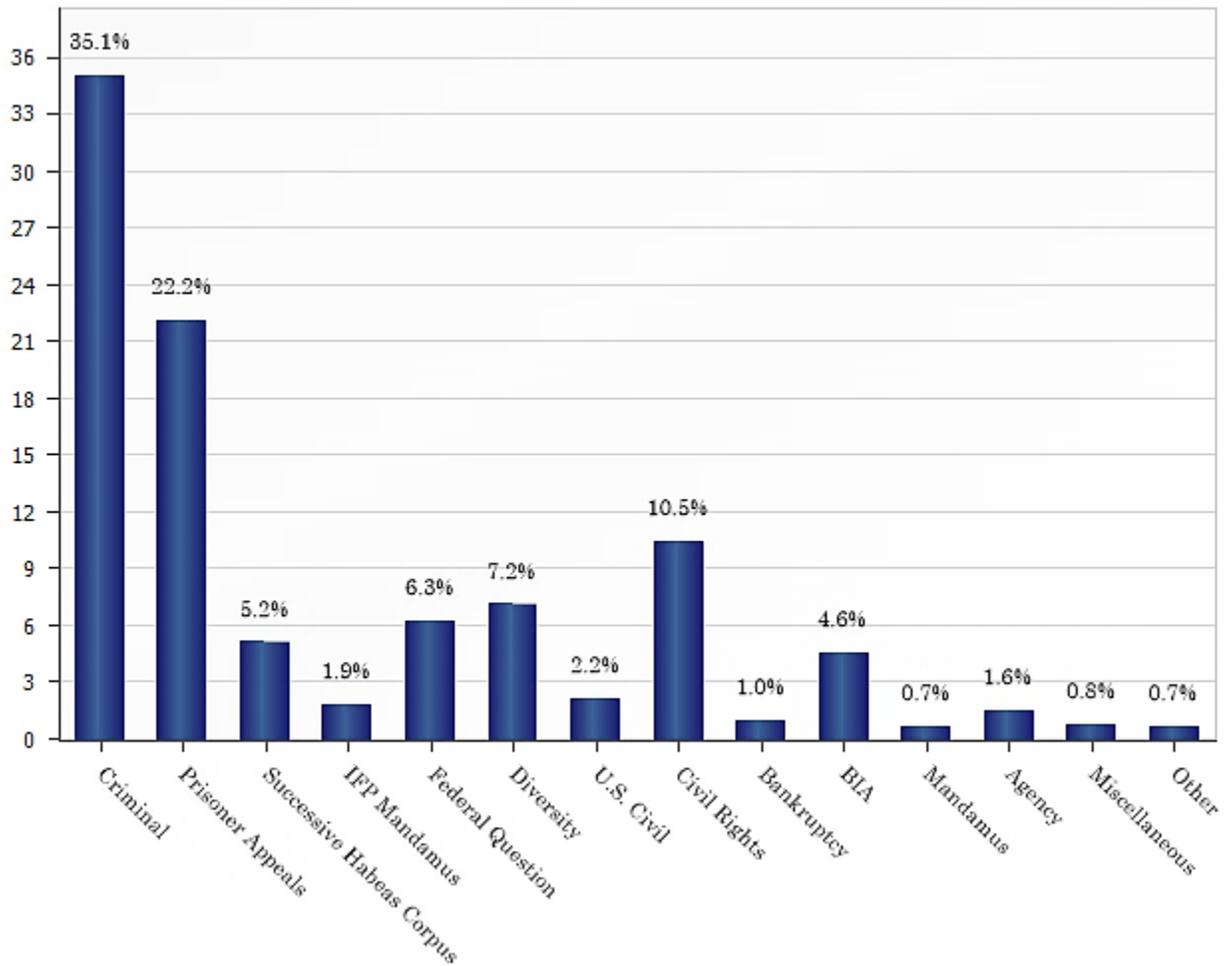
2. Source of New Appeals by Type

The source of appeals by type is found in the following tables. The first shows the six year trend and the second displays 2023 data. (See also column (d) of the monthly cumulative report of new appeals by type at **Enclosure A**, page 32).

Table 2 - New Appeals by Case Type

TYPE	YEAR						Change from Prior Year	
	2018	2019	2020	2021	2022	2023	No.	%
Criminal	2154	2192	1951	1987	2135	2026	-109	-5.1
Prisoner Appeals	2140	1976	1608	1553	1484	1276	-208	-14.0
Successive Habeas Corpus	497	503	574	320	280	298	+18	+6.4
IFP Mandamus	147	138	121	131	107	109	+2	+1.9
Federal Question	727	601	386	342	328	359	+31	+9.5
Diversity	371	345	384	349	387	413	+26	+6.7
U.S. Civil	98	119	86	101	171	124	-47	-27.5
Tax	8	13	6	10	14	6	-8	-57.1
Tax Court	15	16	15	10	5	8	+3	+60.0
Civil Rights	588	613	620	469	497	600	+103	+20.7
Bankruptcy	86	74	76	86	66	57	-9	-13.6
Social Security	7	16	21	32	18	25	+7	+38.9
BIA	394	442	626	822	402	262	-140	-34.8
Mandamus	27	29	30	28	31	41	+10	+32.3
Agency	43	47	38	54	73	89	+16	+21.9
Miscellaneous	45	40	52	57	62	47	-15	-24.2
	7347	7164	6594	6351	6060	5740	-320	-5.3

Table 3 - 2023 New Appeals by Case Type



Our biggest increase in filings was in Civil Rights and Federal Question appeals. Prisoner Appeals, BIA and Criminal dropped significantly.

3. New Appeals

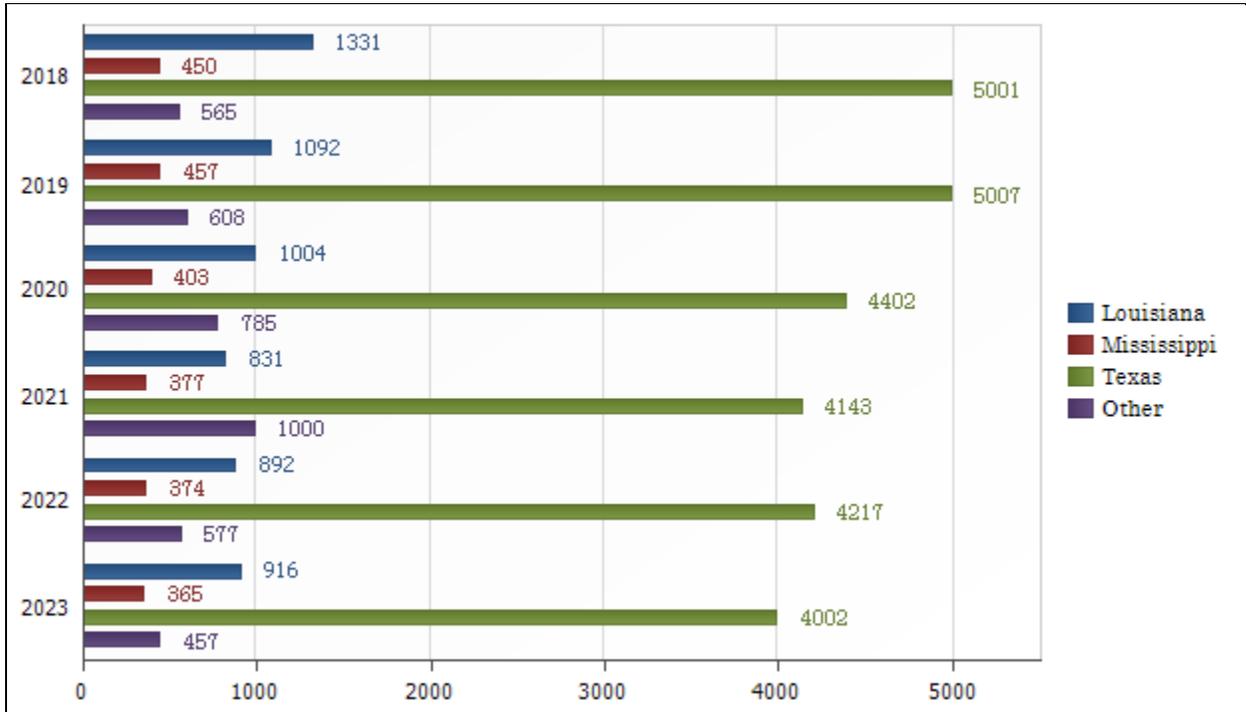
Louisiana Eastern showed the largest increase in appeals filed. Texas Western decreased the most. Other appeals (Agency, Bankruptcy, U.S. Tax Court, BIA, and Mandamus) decreased by 120 cases.

Table 4 - New Appeals by Source

	2018	2019	2020	2021	2022	2023	Change from Prior Year
Louisiana Eastern	807	537	408	385	347	472	+125
Louisiana Middle	164	153	195	145	127	133	+6
Louisiana Western	360	402	401	301	418	311	-107
Subtotal	1331	1092	1004	831	892	916	+24
Mississippi Northern	136	129	123	119	107	99	-8
Mississippi Southern	314	328	280	258	267	266	-1
Subtotal	450	457	403	377	374	365	-9
Texas Northern	1659	1654	1416	1311	1335	1338	+3
Texas Southern	1653	1532	1293	1166	1196	1175	-21
Texas Eastern	534	605	509	526	406	414	+8
Texas Western	1155	1216	1184	1140	1280	1075	-205
Subtotal	5001	5007	4402	4143	4217	4002	-215
Agency	43	47	38	54	73	89	+16
Bankruptcy	86	74	76	86	66	57	-9
U.S. Tax Court	15	16	15	10	5	8	+3
BIA	394	442	626	822	402	262	-140
Mandamus	27	29	30	28	31	41	+10
Subtotal	565	608	785	1000	577	457	-120
Total	7347	7164	6594	6351	6060	5740	-320

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 states for 2022 and 2023 is shown on the following charts:

Table 6a - 2022 New Appeals

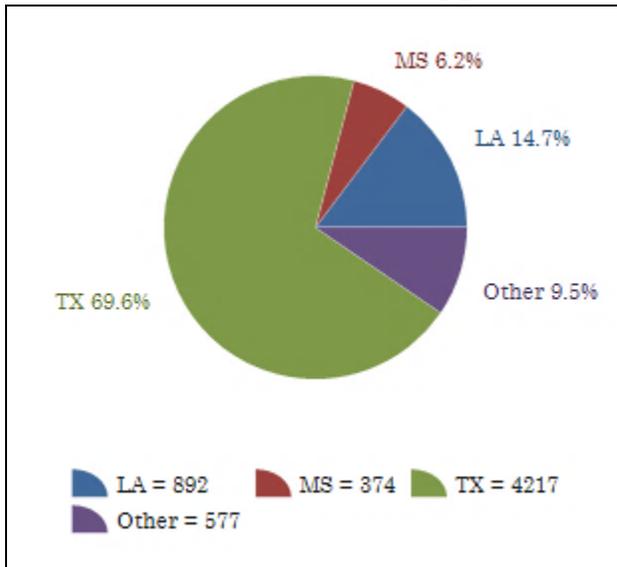
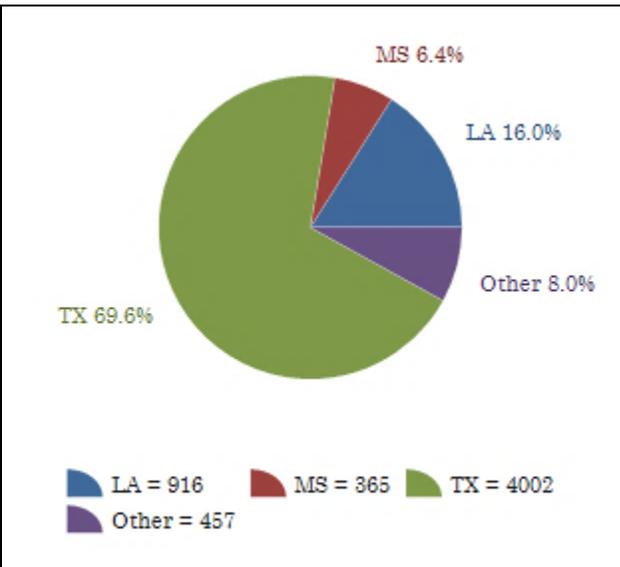


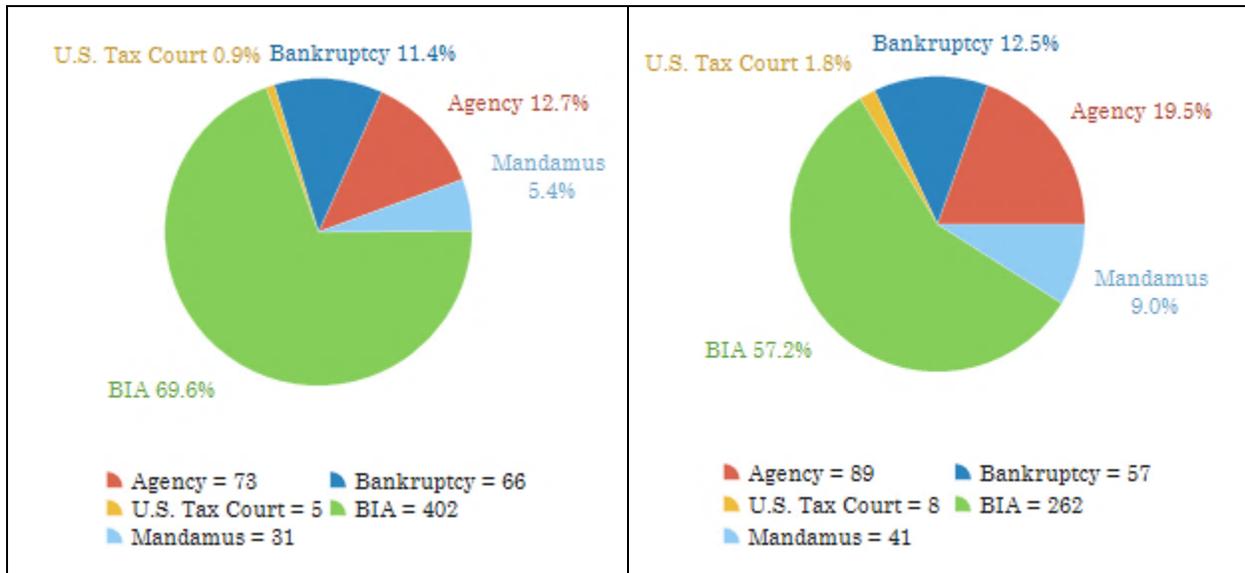
Table 6b - 2023 New Appeals



A comparison of the percentage of other appeals by source for 2022 and 2023 is shown on the following charts:

Table 7a - 2022 New Appeals

Table 7b - 2023 New Appeals



B. CLOSED APPEALS

1. Yearly Comparison

The court disposed of 845 fewer appeals this year, a decrease of 12.4%.

Table 8 - Appeals and Cases Closed

	2018	2019	2020	2021	2022	2023	Change from Prior Year	
All Appeals	7387	7377	6504	6513	6833	5988	-845	-12.4%
Cases	6575	6503	5673	5773	6031	5311	-720	-11.9%

2. Method of Disposition

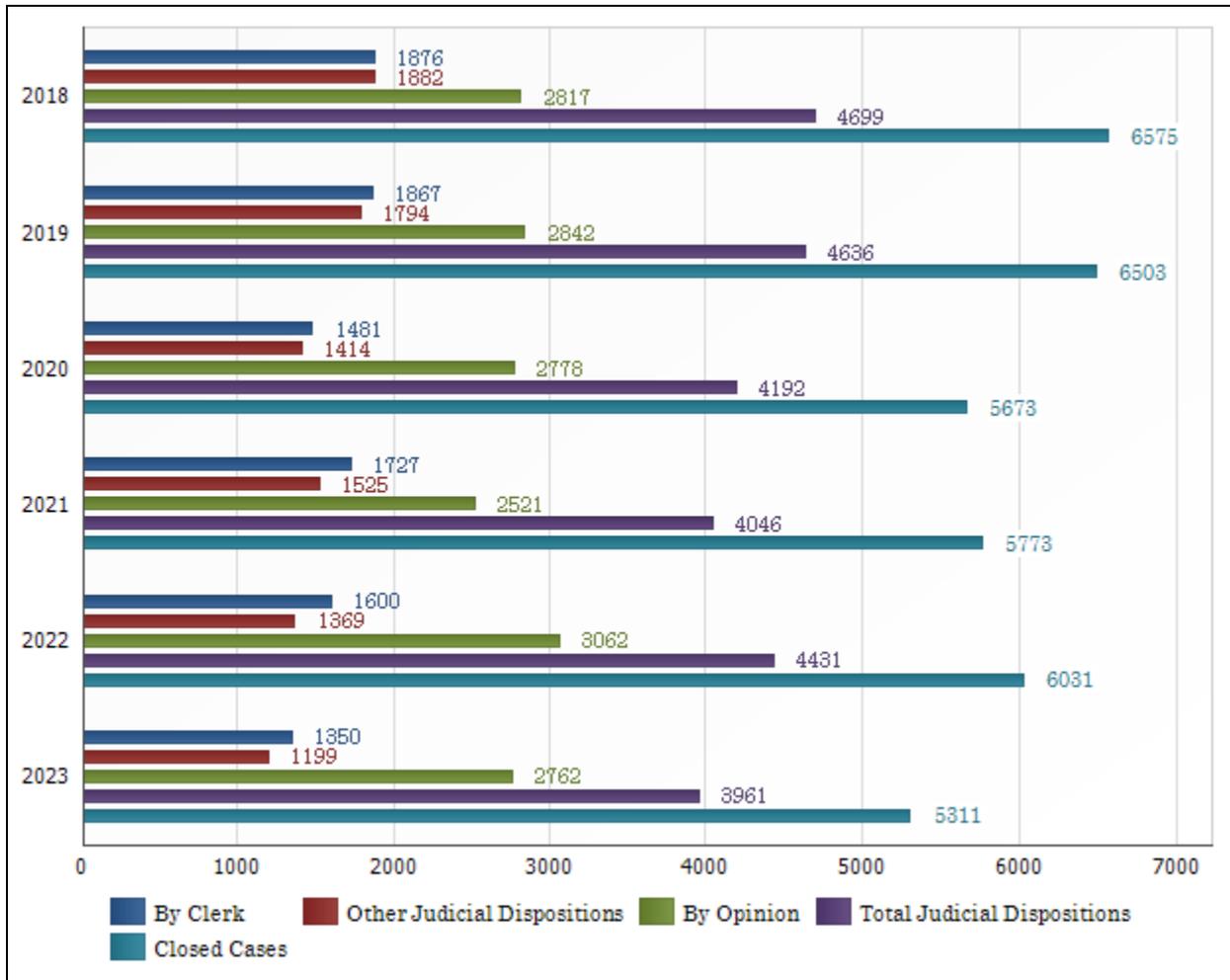
Overall, the court disposed of 720 fewer cases than last year. There were 300 fewer dispositive opinions, and other judicial dispositions decreased by 170. Clerk dispositions decreased by 250.

Table 9 - Method of Disposition

	2018	2019	2020	2021	2022	2023	Change from Prior Year
By Opinion*	2817	2842	2778	2521	3062	2762	-300
Other Judicial Dispositions	1882	1794	1414	1525	1369	1199	-170
Total Judicial Dispositions	4699	4636	4192	4046	4431	3961	-470
By Clerk	1876	1867	1481	1727	1600	1350	-250
Closed Cases	6575	6503	5673	5773	6031	5311	-720

*Does not include 24 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 5988 **appeals** compared to 5740 filed. There are 3541 appeals pending compared to 3787 last year. There are 2915 cases pending this year compared with 3220 last year.

Table 11 - Pending Appeals/Cases

	2018	2019	2020	2021	2022	2023	Change from Prior Year
All Appeals Pending	4848	4633	4723	4563	3787	3541	-6.5%
Cases	4111	3862	4071	3977	3220	2915	-9.5%

The 2915 pending cases are characterized as either Cases Under Submission or Unassigned Carry-Over:

1. Cases Under Submission

Excluding 27 cases consolidated for argument and decision, and 14 held in abeyance, and 7 unassigned, the pending cases argued and awaiting decision increased from last year.

Table 12 - Cases Under Submission

	2018	2019	2020	2021	2022	2023
Active Judges	137	167	200	186	198	192
Senior Judges	62	18	26	23	22	40
Visiting Judges	0	2	0	2	0	0
Total	199	187	226	211	220	232

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 318. This leaves 2662 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

	2018	2019	2020	2021	2022	2023
Unassigned Cases	3901	3658	3839	3736	2980	2662
New Appeals	7347	7164	6594	6351	6060	5740
% Unassigned Cases to New Appeals	53.1	51.1	58.2	58.8	49.2	46.4

The 2662 unassigned cases fall into the following categories.

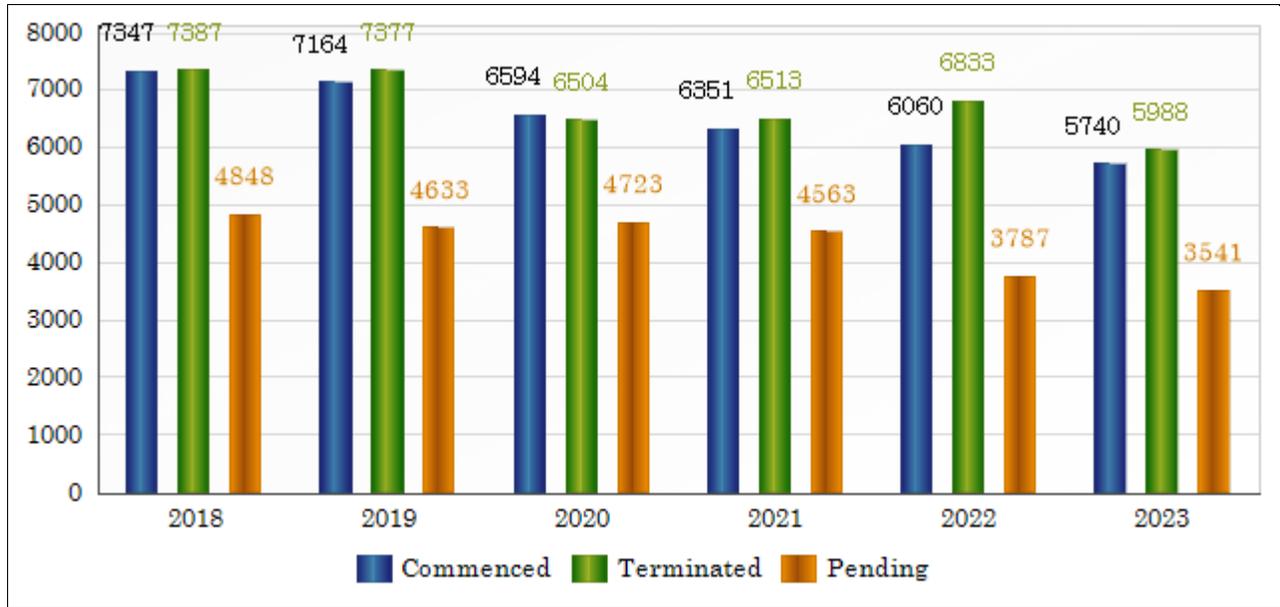
Table 14 - Unassigned Carry-Over by Category

Category	2022	2023
(a) Already Briefed		
Calendared for Oral Argument	166	138
Briefed but Held in Abeyance	47	39
Awaiting Assignment to Oral Argument Calendar	53	117
Awaiting Assignment to Screening Panel	0	0
Being Screened	760	441
Assignment to Panel for Jurisdictional Review	9	9
Subtotal	1035	744
(b) Unbriefed Cases		
Pre-Briefing	789	691
Records Due	128	146
Being Briefed	895	933
Stayed/Held in Abeyance	63	65
Awaiting DC Action*	70	83
Subtotal	1945	1918
Total	2980	2662

*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

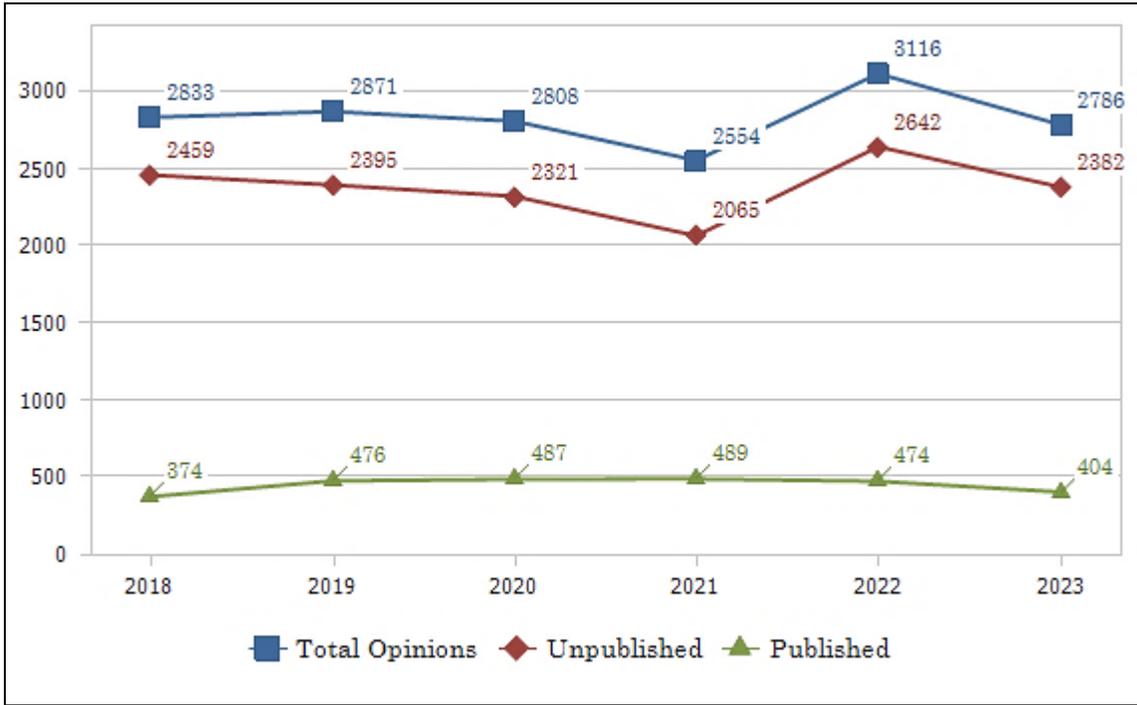
1. Number of Opinions, Published and Unpublished

The total number of opinions decreased by 330. Total opinions, including the numbers published and unpublished for the last six years are:

Table 16 - Number of Opinions, Published and Unpublished

	2018	2019	2020	2021	2022	2023
Total Opinions	2833	2871	2808	2554	3116	2786
Published	374	476	487	489	474	404
Unpublished	2459	2395	2321	2065	2642	2382

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



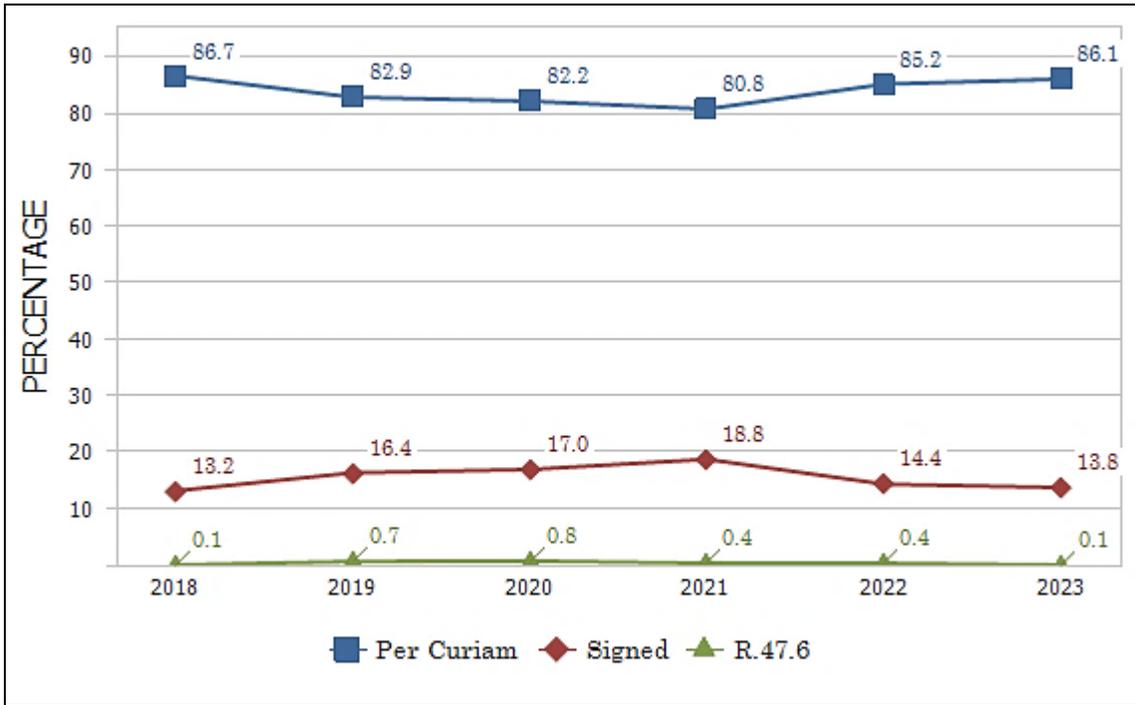
2. Types of Opinions

Of the 330 fewer opinions, the following chart shows the percentage change by type of opinion.

Table 18 - Types of Opinions

	2018	2019	2020	2021	2022	2023
Signed Opinions	13.2%	16.4%	17.0%	18.8%	14.4%	13.8%
Per Curiam Opinions	86.7%	82.9%	82.2%	80.8%	85.2%	86.1%
Rule 47.6 Opinions	0.1%	0.7%	0.8%	0.4%	0.4%	0.1%

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 decreased by 238 from 2051 to 1813. The percentage of signed opinions on the summary calendar increased by 57.1% and per curiam opinions decreased by 11.4%.

Table 20 - Summary Calendar Opinions

	2018	2019	2020	2021	2022	2023
Signed Opinions	1.4%	1.9%	1.8%	1.0%	0.3%	0.6%
Per Curiam Opinions	98.5%	97.1%	96.9%	98.7%	99.3%	99.4%
Rule 47.6 Opinions	0.1%	1.0%	1.3%	0.3%	0.4%	0%

(b) Oral Argument Calendar

Signed opinions on the oral argument calendar decreased by 15.8%. Per curiam opinions decreased by 3.6%.

Table 21 - Oral Argument Opinions

	2018	2019	2020	2021	2022	2023
Signed Opinions	40.5%	43.8%	44.1%	46.2%	41.6%	38.3%
Per Curiam Opinions	59.4%	55.4%	55.3%	53.3%	58.0%	61.3%
Rule 47.6 Opinions	0.1%	0.8%	0.6%	0.5%	0.4%	0.4%

4. Published and Unpublished Opinions

Of the 2786 opinions, 404 (14.5%) were published. The number of published opinions decreased by 70 from the preceding year.

(a) Number and Percentage – 2023

Table 22 - Opinion Number and Percentage 2023

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	337	87.8	47	12.2	384
Per Curiam Opinions	67	2.8	2331	97.2	2398
Rule 47.6 Opinions	0	0	4	100.0	4
Total	404	14.5	2382	85.5	2786

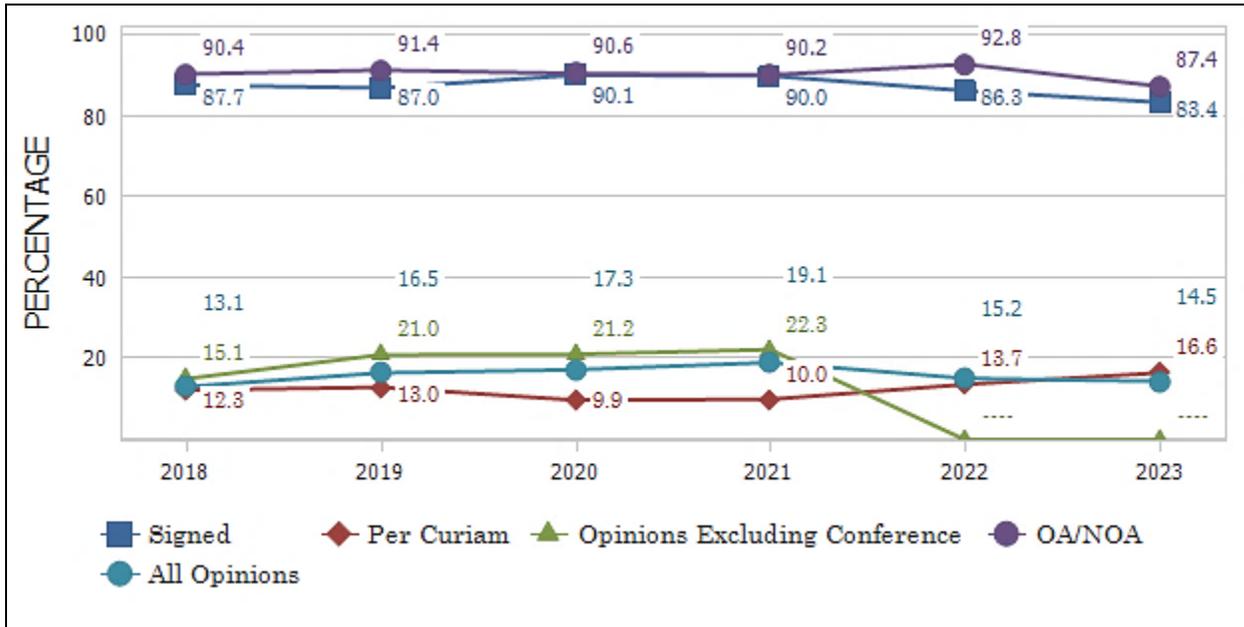
(b) Percentage Comparison (Published) - 2018 – 2023

Table 23 - Published Opinion Percentage

	% Published					
	2018	2019	2020	2021	2022	2023
Signed Opinions	87.7	87.0	90.1	90.0	86.3	83.4
Per Curiam Opinions	12.3	13.0	9.9	10.0	13.7	16.6
Opinions Excluding Conference Calendar*	15.1	21.0	21.2	22.3	-	-
Oral Argument/No Oral Argument	90.4	91.4	90.6	90.2	92.8	87.4
All Opinions	13.1	16.5	17.3	19.1	15.2	14.5

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

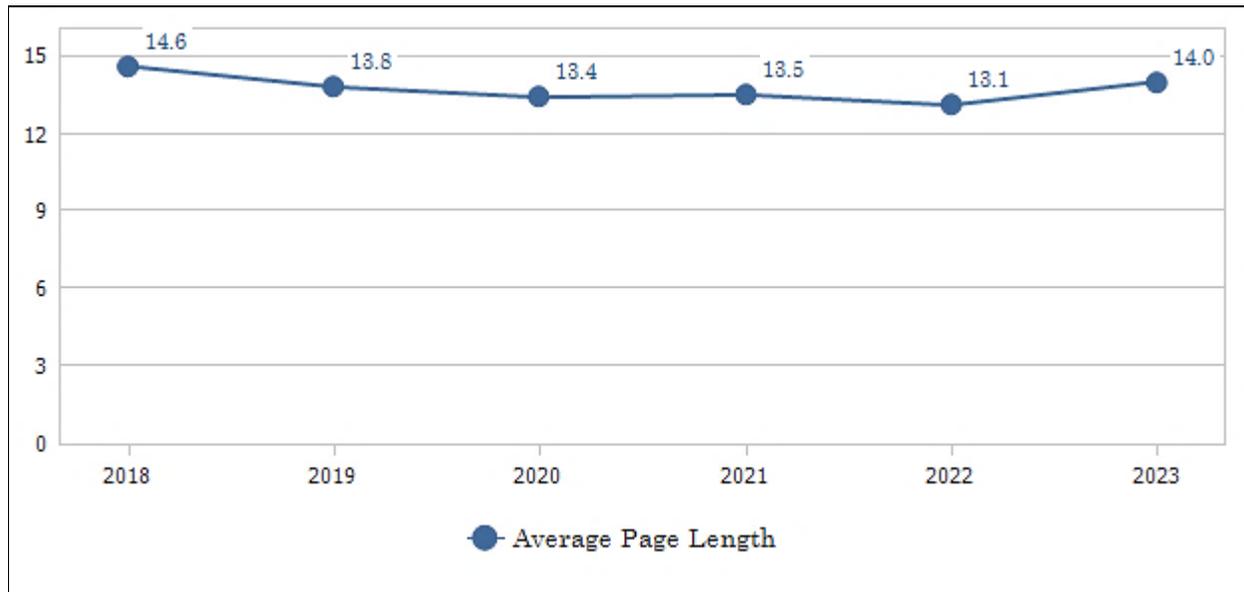
Table 24 - Published Opinion Percentage Comparison by Graph



(c) Length of Published Opinions

The average page length of opinions is up 6.9% from 2022.

Table 25 - Length of Published Opinions by Graph



5. Reversal Rate

The 2023 reversed/vacated rate of 7.4% is the same as the 2022 reversed/vacated rate of 7.4%.

Table 26 - Reversal Rate

	2023						2022
	Summary		Hearing		Overall		Overall
	No.	%	No.	%	No.	%	%
Affirmed	984	54.3	536	55.1	1520	54.6	53.9
Affd. In Part	145	8.0	124	12.7	269	9.7	9.0
Dismissed	655	36.1	98	10.1	753	26.9	27.3
Remanded	5	0.3	21	2.2	26	0.9	1.5
Transferred	0	0.0	0	0.0	0	0.0	0.0
Reversed/Vacated*	24	1.3	181	18.6	205	7.4	7.4
Other-Non Disp.	0	0.0	13	1.3	13	0.5	0.9
Total	1813	100.0	973	100.0	2786	100.0	100.0

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

Table 27 - Reversal Rate by Percentage by Graph

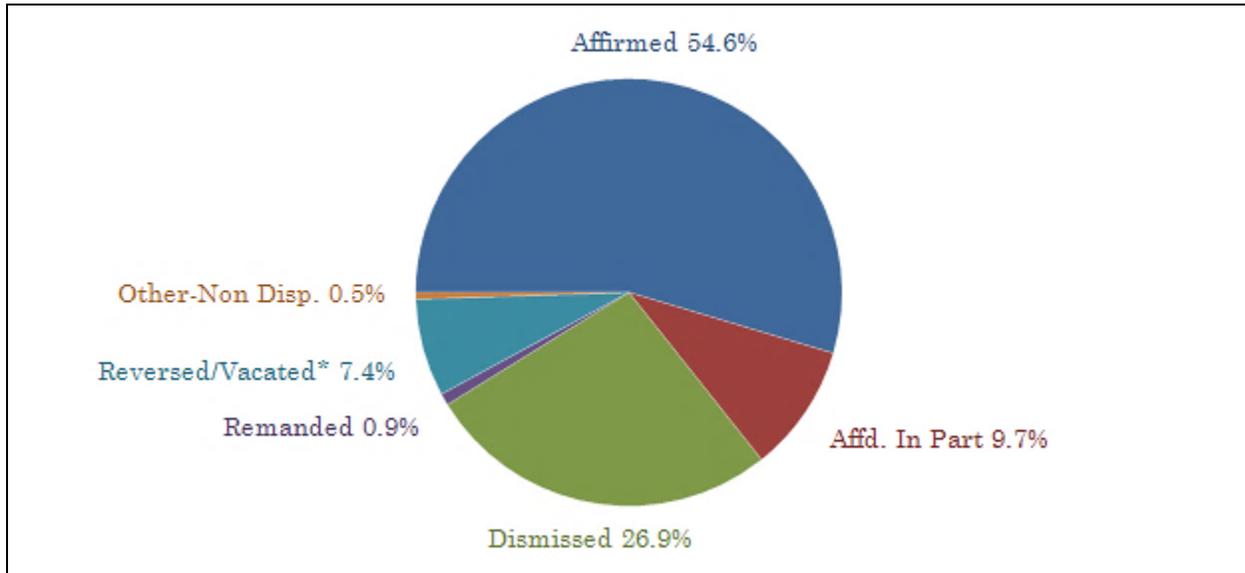


Table 27a - Reversal Rate by Case Type

Case Type	Decision Type	2020		2021		2022		2023	
		# / %	# / %	# / %	# / %	# / %	# / %		
Criminal	Affirmed/Affd. In Part	830	56.88%	797	62.90%	841	54.20%	754	54.56%
	Dismissed	570	39.07%	420	33.15%	630	40.59%	568	41.10%
	Reversed/Vacated/Remanded	57	3.91%	49	3.87%	80	5.15%	57	4.12%
	Transferred/Other-Non Disp.	2	0.14%	1	0.08%	1	0.06%	3	0.22%
	Total Cases	1,459		1,267		1,552		1,382	
Prisoner Appeals	Affirmed/Affd. In Part	241	64.26%	176	53.50%	215	55.27%	176	57.51%
	Dismissed	87	23.20%	102	31.00%	135	34.70%	95	31.05%
	Reversed/Vacated/Remanded	43	11.47%	46	13.98%	39	10.03%	34	11.11%
	Transferred/Other-Non Disp.	4	1.07%	5	1.52%	0	0.00%	1	0.33%
	Total Cases	375		329		389		306	
Federal Question	Affirmed/Affd. In Part	144	75.00%	111	70.70%	119	71.69%	115	73.25%
	Dismissed	13	6.77%	17	10.83%	8	4.82%	12	7.64%
	Reversed/Vacated/Remanded	35	18.23%	28	17.83%	35	21.08%	29	18.47%
	Transferred/Other-Non Disp.	0	0.00%	1	0.64%	4	2.41%	1	0.64%
	Total Cases	192		157		166		157	
Diversity	Affirmed/Affd. In Part	156	85.25%	127	78.40%	152	74.88%	128	80.50%
	Dismissed	8	4.37%	7	4.32%	13	6.40%	8	5.03%
	Reversed/Vacated/Remanded	19	10.38%	24	14.81%	32	15.76%	20	12.58%
	Transferred/Other-Non Disp.	0	0.00%	4	2.47%	6	2.96%	3	1.89%
	Total Cases	183		162		203		159	
U.S. Civil	Affirmed/Affd. In Part	52	81.25%	27	71.06%	45	68.17%	40	63.49%
	Dismissed	7	10.94%	2	5.26%	5	7.58%	6	9.52%
	Reversed/Vacated/Remanded	5	7.81%	9	23.68%	13	19.70%	16	25.40%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	3	4.55%	1	1.59%
	Total Cases	64		38		66		63	
Tax Court	Affirmed/Affd. In Part	12	100.00%	6	100.00%	5	100.00%	2	50.00%
	Dismissed	0	0.00%	0	0.00%	0	0.00%	2	50.00%
	Reversed/Vacated/Remanded	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Total Cases	12		6		5		4	

Table 27a - Reversal Rate by Case Type

Case Type	Decision Type	2020		2021		2022		2023	
		# / %	# / %	# / %	# / %	# / %	# / %		
Civil Rights	Affirmed/Affd. In Part	217	80.98%	194	76.98%	180	74.07%	206	74.63%
	Dismissed	17	6.34%	11	4.37%	16	6.58%	21	7.61%
	Reversed/Vacated/Remanded	33	12.31%	42	16.67%	43	17.70%	46	16.67%
	Transferred/Other-Non Disp.	1	0.37%	5	1.98%	4	1.65%	3	1.09%
	Total Cases	268		252		243		276	
Bankruptcy	Affirmed/Affd. In Part	38	76.00%	20	71.43%	21	44.67%	28	82.36%
	Dismissed	1	2.00%	3	10.71%	19	40.43%	3	8.82%
	Reversed/Vacated/Remanded	11	22.00%	5	17.86%	6	12.77%	3	8.82%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	1	2.13%	0	0.00%
	Total Cases	50		28		47		34	
Social Security	Affirmed/Affd. In Part	4	66.67%	8	100.00%	9	90.00%	12	100.00%
	Dismissed	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Reversed/Vacated/Remanded	2	33.33%	0	0.00%	1	10.00%	0	0.00%
	Transferred/Other-Non Disp.	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Total Cases	6		8		10		12	
BIA	Affirmed/Affd. In Part	119	86.23%	220	90.91%	350	88.38%	305	86.65%
	Dismissed	12	8.70%	14	5.79%	19	4.80%	34	9.66%
	Reversed/Vacated/Remanded	7	5.07%	7	2.89%	23	5.81%	13	3.69%
	Transferred/Other-Non Disp.	0	0.00%	1	0.41%	4	1.01%	0	0.00%
	Total Cases	138		242		396		352	
Agency	Affirmed/Affd. In Part	17	77.27%	23	74.19%	9	56.25%	11	64.71%
	Dismissed	3	13.64%	2	6.45%	1	6.25%	1	5.88%
	Reversed/Vacated/Remanded	2	9.09%	5	16.13%	3	18.75%	5	29.41%
	Transferred/Other-Non Disp.	0	0.00%	1	3.23%	3	18.75%	0	0.00%
	Total Cases	22		31		16		17	
	Grand Total Cases	2,769		2,520		3,093		2,762	

6. Concurrences and Dissents

The following reflects the concurrences and dissents for the past six statistical years. Of the 2,786 opinions this year, 2,704 (97%) were without dissent.

Table 27b - Concurrences and Dissents

Judge Involvement	2018	2019	2020	2021	2022	2023
Concurring	23	36	22	38	38	48
Dissenting	50	37	50	45	66	56
Concurring and Dissenting	16	10	15	23	11	25
Co-authoring and Concurring	0	0	0	0	0	0
Co-authoring and Dissenting	0	0	0	0	0	1
Co-authoring, Concurring and Dissenting	0	0	0	0	0	0

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, 2022, through June 30, 2023 decreased from the previous year.

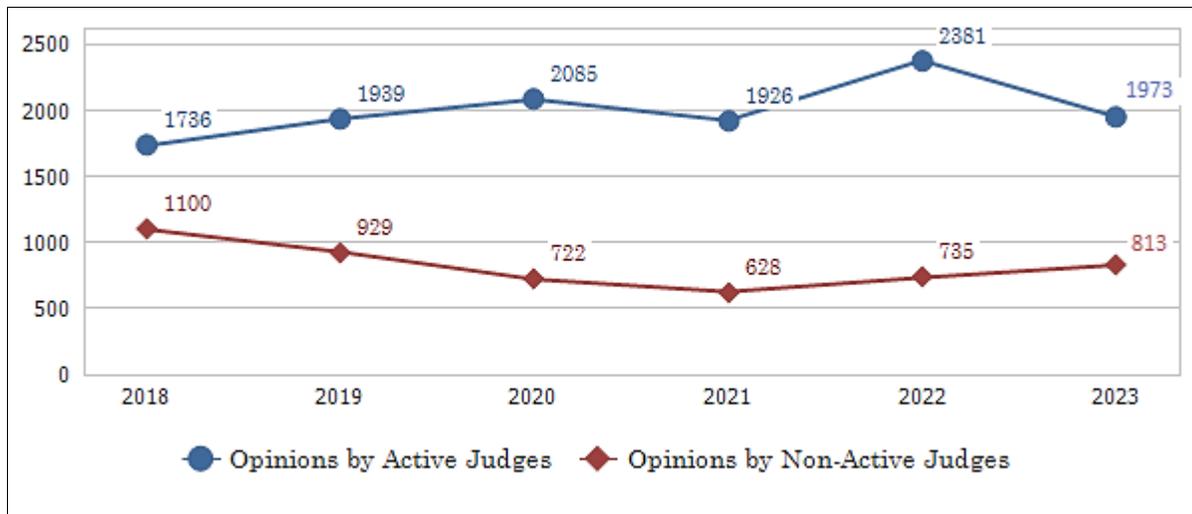
2. Opinion Output - Overall – 2018 – 2023

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

Table 28 - Opinion Output

	2018 ¹	2019 ²	2020 ³	2021 ⁴	2022 ⁵	2023 ⁶
(a) Opinions by Active Judges	1736	1939	2085	1926	2381	1973
(b) Opinions by Non-Active Judges	1100	929	722	628	735	813
(c) Total Opinion Output	2836	2870	2808	2554	3116	2786
(d) Opinions per Active Judge	139	130	130	114	140	131

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



¹ In 2018, there were 15 active judges, 9 senior status judges and 2 visiting judges.

² In 2019, there were 16 active judges, 9 senior status judges and 2 visiting judges.

³ In 2020, there were 16 active judges, 9 senior status judges and 2 visiting judges.

⁴ In 2021, there were 17 active judges, 7 senior status judges and 2 visiting judges.

⁵ In 2022, there were 17 active judges, 7 senior status judges and 2 visiting judges.

⁶ In 2023, there were 17 active judges, 8 senior status judges and 0 visiting judges.

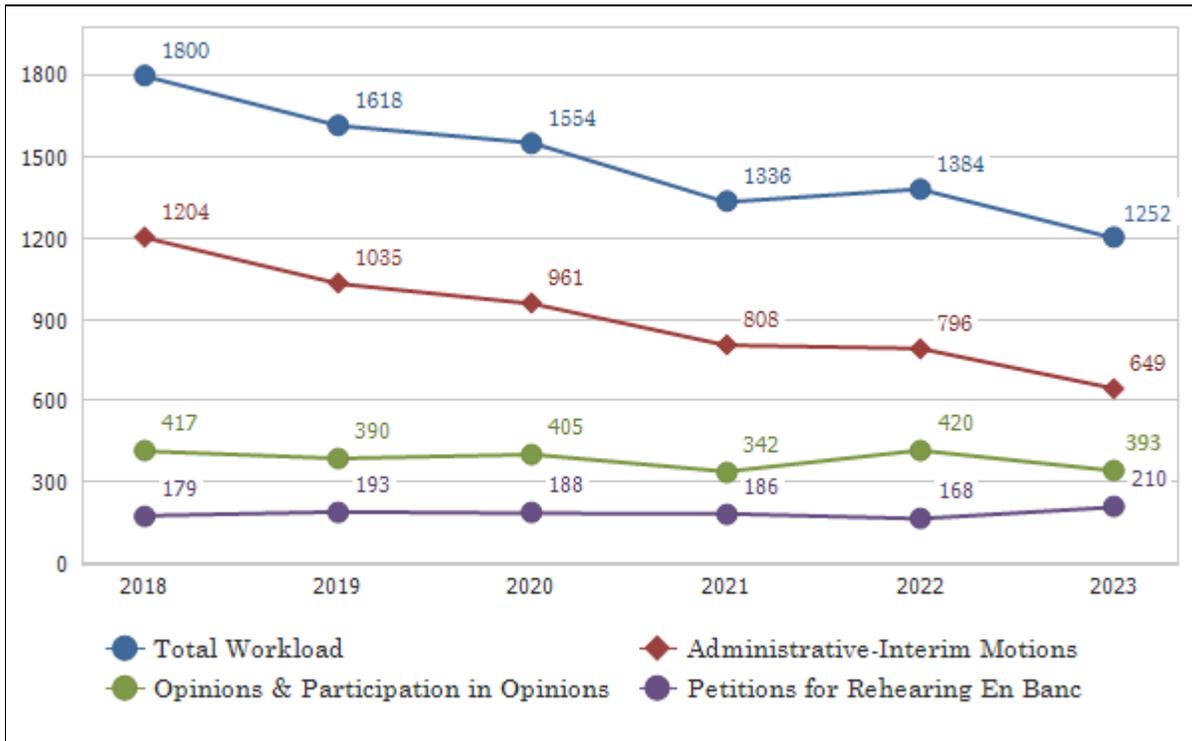
3. Overall Workload

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 132 fewer matters per judge than last year. **Enclosure B**, page 33, 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					
	2018	2019	2020	2021	2022	2023
Opinions and Participations in Opinions*	417	390	405	342	420	393
Petitions for Rehearing En Banc	179	193	188	186	168	210
Administrative-Interim Motions	1204	1035	961	808	796	649
Total Workload	1800	1618	1554	1336	1384	1252

Table 31 - Overall Workload by Graph



Based on figures of 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 a decrease in the percentage of cases sent to the oral argument calendar.

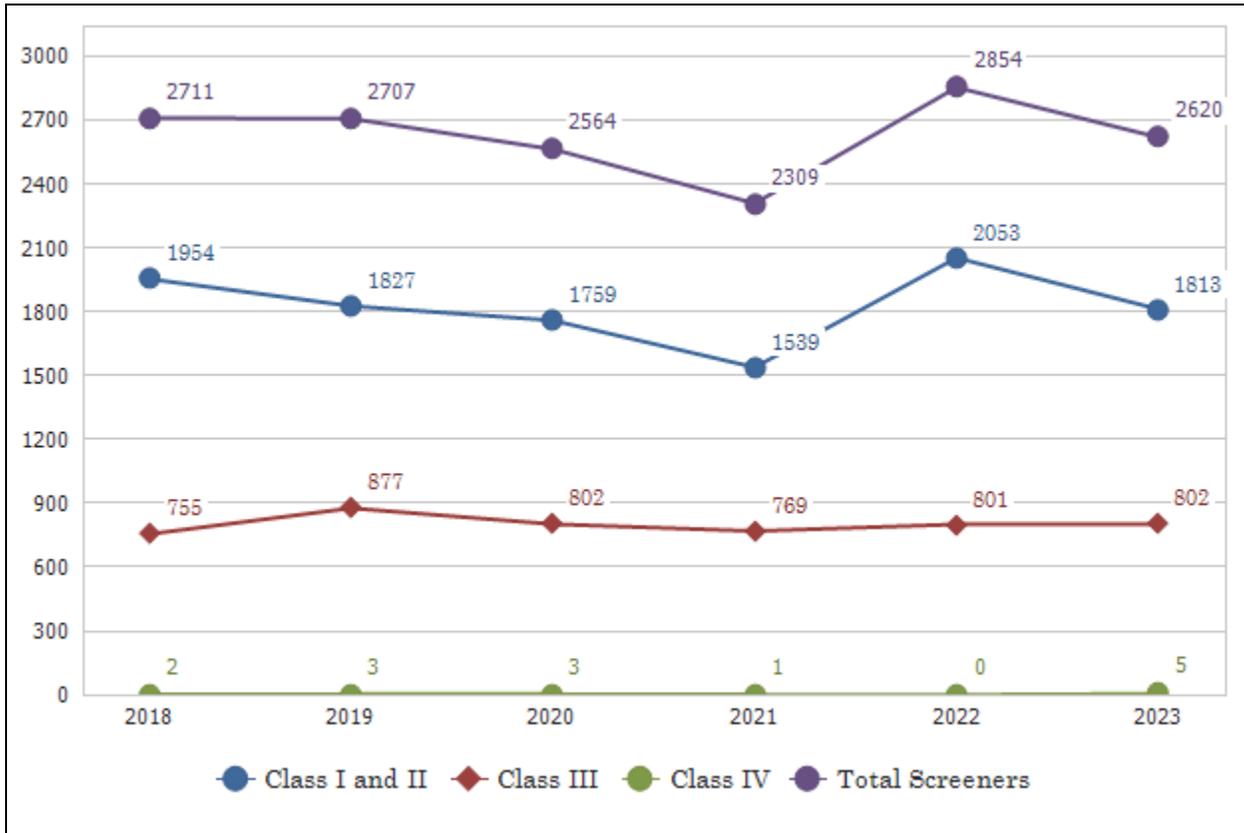
Table 32 - Screening Classifications

CLASS							
Year	I and II (No Argument)		III (Limited Argument)		IV (Full Argument)		Total No.
	No.	%	No.	%	No.	%	
2018	1954	71.6	773	28.3	2	0.1	2729
2019	1827	67.2	891	32.7	3	0.1	2721
2020	1759	68.1	821	31.8	3	0.1	2583
2021	1539	66.4	781	33.6	1	0.0	2321
2022	2053	71.2	831	28.8	0	0.0	2884
2023	1813	69.2	802	30.6	5	0.2	2620
Total	10945*	69.0	4899	30.9	14	0.1	15858

Argument was held in 38% of the 807 cases designated as Class III and IV.

*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 34, shows the number of cases classified and the summary calendar percentage by case type to total cases. Extracting only the summary calendar percentages for comparison with prior years, we see:

Table 34 - Summary Calendar Percentages by Case Type

Case Type	Summary Calendar Percentage (%)					
	2018	2019	2020	2021	2022	2023
CRIMINAL DIRECT	86.7	85.6	86.2	88.5	93.0	91.1
CRIMINAL NON-DIRECT	96.2	86.8	84.5	79.2	89.1	84.9
PRISONER CASES						
With Counsel	36.0	37.0	11.1	27.8	31.4	26.7
Without Counsel	87.0	76.7	81.7	73.6	79.8	80.2
2255						
With Counsel	22.2	31.2	37.9	61.1	38.5	15.4
Without Counsel	91.7	60.0	70.0	61.5	57.1	80.0
CIVIL						
Diversity	30.5	33.2	41.6	24.0	25.3	24.6
Federal Question	28.3	29.2	26.5	21.1	26.0	24.7
U.S. Civil	31.7	27.0	43.1	32.4	27.3	19.1
Tax	0.0	33.3	0.0	16.7	12.5	75.0
Bankruptcy	30.0	22.6	29.8	27.8	46.2	23.8
Civil Rights	40.2	38.1	34.7	36.7	27.3	28.8
BIA	85.8	79.6	68.7	78.2	79.6	79.9
Tax Court	33.3	75.0	46.7	50.0	25.0	66.7
Other Agency	10.0	23.1	19.0	20.8	5.9	11.8
Social Security	37.5	75.0	100.0	50.0	50.0	71.4
Mandamus	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	72.1	67.5	68.6	66.7	71.9	69.2

H1. PETITIONS FOR EN BANC REHEARING

The court had 35 petitions for en banc rehearing pending at the beginning of the court year and received 203 petitions for en banc rehearing during this court year, 14 more than the prior year (189). Parties requested en banc rehearing in 7.3% of the cases with opinions. The court acted upon 210 petitions for en banc rehearing and 28 petitions remained pending at the end of the year. The court denied requests for rehearing en banc in 199 cases, 16 of which were after a poll. The court granted nine petitions for rehearing en banc by the parties. In one other case, the court sua sponte granted en banc rehearing. Two petitions for rehearing en banc were disposed of by other means. See **Enclosure D**, page 35.

H2. PETITIONS FOR PANEL REHEARING

In 198 cases there were requests for both panel and en banc rehearing. In 109 cases where parties requested an en banc rehearing only, these requests were also treated as a panel rehearing. In one other case, the court sua sponte granted panel rehearing. No cases for panel rehearing were disposed of by other means.

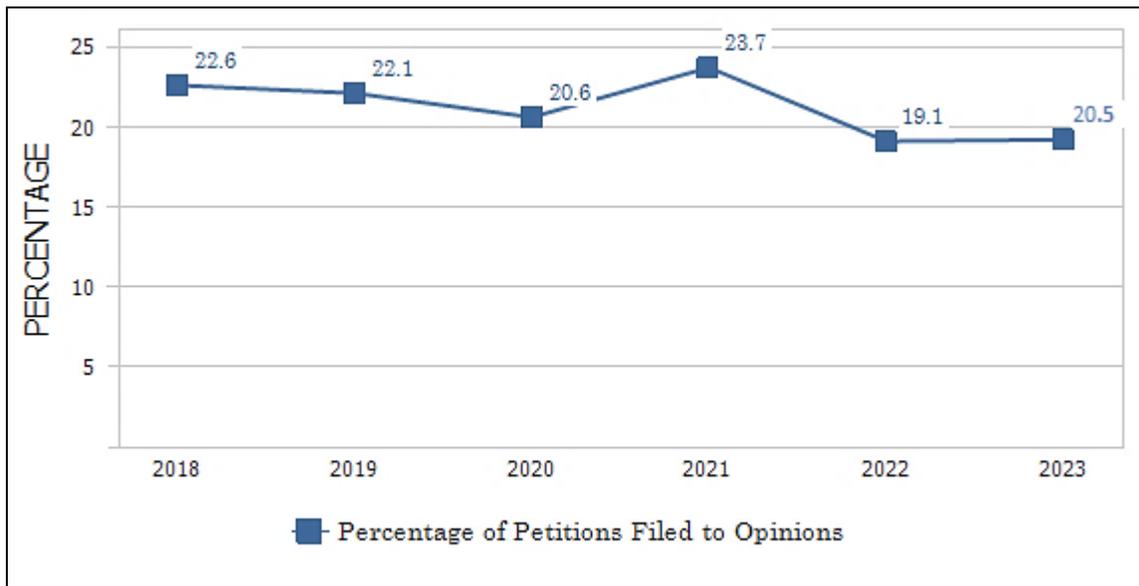
I. PETITIONS FOR CERTIORARI

The number of petitions filed is as follows:

Table 35 - Petitions for Certiorari

Petitions Filed	2018	2019	2020	2021	2022	2023
Criminal	320	259	269	334	292	272
U.S. Civil	71	83	73	67	63	66
Private Civil	237	282	226	181	223	215
Administrative Appeals	12	10	11	23	17	17
Total	640	634	579	605	595	570
Opinions Rendered	2836	2870	2808	2554	3116	2786
% of Petitions filed to Opinions	22.6	22.1	20.6	23.7	19.1	20.5

Table 36 - Petitions for Certiorari by Graph



The Supreme Court took action on 560 cases from our Court compared with 579 last year. The Court granted 12 petitions, 10 fewer than last year, or 2.1% of the total. (For additional information, see **Enclosure F**, page 37.)

J. ADMINISTRATIVE-INTERIM MOTIONS

The administrative-interim motions decreased to 2688 from 3264 last year to an average of 158 initiating actions per active judge. When panel matters are considered, each judge acted on 649 such motions, a decrease from 796 last year. See **Enclosure G**, page 38, for other details.

K. OTHER COURT DATA

1. Bar Membership Data

There are 24,612 active bar members. Of those, 23,999 are registered for electronic case filing.

Table 37 - Members of the Bar

	2018	2019	2020	2021	2022	2023
Active Members	17,965	18,768	20,819	22,717	25,342	24,612
Registered Filers	16,124	17,627	19,916	21,809	24,382	23,999

2. Amicus Briefs Filed

In 115 cases, the court received 383 amicus briefs. Of the amicus briefs filed, 372 were filed in Civil and 11 were filed in Criminal.

Table 38 - Number of Amicus Briefs Filed by Case Type

TYPE	YEAR						Change from Prior Year	
	2018	2019	2020	2021	2022	2023	No.	%
Criminal	3	3	12	7	5	3	-2	-40.0
Prisoner Appeals	7	3	5	14	7	8	+1	+14.3
Successive Habeas Corpus	0	0	1	0	0	0	0	0
IFP Mandamus	0	0	0	0	0	0	0	0
Federal Question	29	33	41	32	55	41	-14	-25.5
Diversity	6	10	13	6	11	24	+13	+118.2
U.S. Civil	8	58	40	42	69	167	+98	+142.0
Tax Court	2	3	0	0	0	0	0	0
Civil Rights	80	70	76	80	83	90	+7	+8.4
Bankruptcy	3	8	2	0	4	4	0	0
Social Security	0	0	0	0	0	0	0	0
BIA	7	2	9	5	11	2	-9	-81.8
Mandamus	0	1	8	3	0	5	+5	0
Agency	3	5	9	3	21	38	+17	+81.0
Miscellaneous	0	2	2	0	3	1	-2	-66.7
	148	198	218	192	269	383	+114	+42.4

New Appeals Docketed by Case Type for the Month Ending 6/30/2023

CASE TYPE	(a)	(b)		(c)	(d)												
	MO. % 2022-2023	CUMULATIVE %		2021 2022	2022 2023	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
CRIMINAL CASES	35.35%	35.23%	35.30%	2,135	2,026	167	200	141	181	152	167	145	168	171	163	178	193
PRISONER CASES																	
w/counsel	1.10%	2.29%	1.71%	139	98	10	8	9	8	9	13	5	6	6	10	8	6
w/o counsel	20.51%	22.19%	20.52%	1,345	1,178	111	116	94	87	82	93	86	75	113	114	95	112
Succ Habeas	4.58%	4.62%	5.19%	280	298	31	28	28	26	19	18	28	17	29	27	22	25
Non-Pd Mandamus	1.65%	1.77%	1.90%	107	109	5	15	7	10	7	10	12	11	9	9	5	9
SUB-TOTAL	63.19%	66.11%	64.62%	4,006	3,709	324	367	279	312	269	301	276	277	328	323	308	345
CIVIL																	
Private Civil	14.47%	11.80%	13.45%	715	772	48	93	57	65	43	45	58	45	70	97	72	79
Diversity	8.42%	6.39%	7.20%	387	413	23	45	37	34	16	23	35	20	31	62	41	46
Fed. Quest.	6.04%	5.41%	6.25%	328	359	25	48	20	31	27	22	23	25	39	35	31	33
U.S. CIVIL	1.83%	2.82%	2.16%	171	124	6	18	6	4	13	12	6	4	9	14	22	10
Tax	0.18%	0.23%	0.10%	14	6	0	0	1	1	0	2	0	0	0	0	1	1
Tax Court	0.18%	0.08%	0.14%	5	8	1	1	2	0	1	1	0	0	0	1	0	1
Bankruptcy	1.47%	1.09%	0.99%	66	57	0	10	9	7	7	1	3	2	2	5	3	8
BIA	5.68%	6.63%	4.56%	402	262	22	18	29	19	20	19	17	14	20	28	25	31
Other Agency	2.01%	1.20%	1.55%	73	89	4	15	5	5	3	5	7	7	11	9	7	11
Civil Rights	9.34%	8.20%	10.45%	497	600	58	70	52	65	50	37	40	32	36	60	49	51
Soc. Security	0.55%	0.30%	0.44%	18	25	0	2	1	5	3	2	4	1	2	0	2	3
Mandamus	0.92%	0.51%	0.71%	31	41	2	1	3	4	2	1	1	8	2	8	4	5
Miscellaneous	0.18%	1.02%	0.82%	62	47	4	8	2	4	5	5	4	3	3	4	4	1
SUB-TOTAL	36.81%	33.89%	35.38%	2,054	2,031	145	236	167	179	147	130	140	116	155	226	189	201
TOTAL APPEALS	100.00%	100.00%	100.00%	6,060	5,740	469	603	446	491	416	431	416	393	483	549	497	546

Legend:

- Col: (a): Monthly Percentage Make-Up of the New Filings
 (b): The Cumulative Percentage for the corresponding months in 21-22 compared with 22-23
 (c): The Cumulative Total Filings for the corresponding months in 21-22
 (d): The Cumulative Total for 22-23

ENCLOSURE A

WORKLOAD PER ACTIVE JUDGE

I.	SUMMARY CALENDAR CASES*			
	(a) Opinions as initiating judge	79		
	(b) Participations in opinions of other panel members		158	
	(c) Sub-total summary calendar cases			237
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))*	131		
IV.	TOTAL PANEL PARTICIPATIONS (I(b), II(b))*		262	
V.	TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c))*			393
VI.	PETITIONS FOR REHEARING EN BANC			210
VII.	ADMINISTRATIVE-INTERIM MATTERS			
	(a) Single Judge Matters	106		
	(b) Participation in panel matters as initiating judge	181		
	(c) Participation in panel matters of other panel members		362	
	(d) Sub-total administrative -interim matters			649
VIII.	TOTAL MATTERS PARTICIPATED IN PER JUDGE			1252

* 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, 2022 - June 30, 2023

<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	501	545	102	0	1148	91.1
CRIMINAL NON-DIRECT	20	98	21	0	139	84.9
PRISONER CASES						
HC-With Counsel	0	3	12	0	15	20.0
HC-Without Counsel	7	29	2	0	38	94.7
1983-With Counsel	0	7	18	0	25	28.0
1983-Without Counsel	14	84	33	0	131	74.8
O. Pris.-With Counsel	0	2	3	0	5	40.0
O. Pris.-Without Counsel	2	18	3	0	23	87.0
2255-With Counsel	1	1	11	0	13	15.4
2255-Without Counsel	1	7	2	0	10	80.0
CIVIL						
Diversity	3	39	129	0	171	24.6
Fed. Question	5	31	110	0	146	24.7
U.S. Civil	0	9	36	2	47	19.1
Tax	0	3	1	0	4	75.0
Bankruptcy	2	8	32	0	42	23.8
Civ. Rights	7	74	199	1	281	28.8
BIA	4	274	70	0	348	79.9
Tax Court	1	1	1	0	3	66.7
Other Agency	0	2	13	2	17	11.8
Social Security	0	10	4	0	14	71.4
TOTAL	568	1245	802	5	2620	69.2

PETITIONS FOR REHEARING EN BANC AND EN BANC GRANTED

	<u>7/1/2022 - 6/30/2023</u>	
	TOTAL	
TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR	0	35
Petitions for Rehearing En Banc FILED this Year	0	203
Petitions for Rehearing En Banc DENIED	0	199
w/poll vote	16	0
w/o poll vote	183	0
En Banc GRANTED	0	9
On Petition With Oral Argument	8	0
On Petition Without Oral Argument	0	0
Sua Sponte En Banc With Oral Argument	1	0
Sua Sponte En Banc Without Oral Argument	0	0
Disposed of by Other Means	0	2
TOTAL PENDING AS OF 6/30/2023	0	28

PETITIONS FOR PANEL REHEARING AND REHEARING GRANTED

<u>7/1/2022 - 6/30/2023</u>	
TOTAL	
TOTAL PENDING AS OF END OF PREVIOUS COURT YEAR	18
Petitions for Rehearing FILED this Year	163
Petitions for Rehearing DENIED	275
Petitions for Rehearing GRANTED*	7
En Banc Rehearing Treated as Panel Rehearing	109
Disposed of by Other Means	0
TOTAL PENDING AS OF 6/30/2023	10

*Includes panel rehearings sua sponte granted by the court.

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

SUMMARY

PERIOD: 7/1/2022 TO 6/30/2023

TYPE	PENDING 6/30/2022	NUMBER FILED	TYPE OF DISPOSITION				PENDING 6/30/2023
			GRANTED	DENIED	DISMISSED	REMOVED	
TOTAL	108	570	12	517	30	1	118
CRIM	39	272	4	243	1	1	62
USC	7	66	3	54	7	0	9
PRIV. CIV.	58	215	0	209	22	0	42
ADM*	4	17	5	11	0	0	5

*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 2023)

Motion to or for:	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	TOTALS
Dismiss	23	26	33	27	21	18	19	21	17	28	26	26	285
Reinstate Appeal	2	2	3	0	1	3	3	1	3	2	0	1	21
Appointment of Counsel	3	6	3	4	2	3	2	4	3	6	2	3	41
Expedite Hearing, for Continuance, or Special Assignment	4	3	3	5	2	2	3	1	4	2	6	0	35
Stay or for Injunction and/or Supersedeas Pending Appeal	6	10	7	4	6	8	8	4	8	14	8	7	90
Supplement the Record	8	5	4	4	4	2	4	2	4	2	6	4	49
Strike Briefs, Designations for Printing, etc	0	0	0	0	0	2	2	0	0	0	1	0	5
Excess Pages in Brief	1	3	5	2	1	2	5	3	2	0	4	4	32
Bail Pending Appeal	1	1	0	1	1	0	0	0	0	1	3	0	8
Interlocutory Appeal (Sec. 1292(b))	1	2	1	4	1	2	1	2	2	3	2	1	22
Jurisdiction	8	52	36	23	31	19	35	22	28	24	31	23	332
Withdraw as Counsel	1	4	10	3	2	6	6	4	5	6	8	9	64
Extensions of Time	35	21	20	23	21	22	22	20	25	20	20	19	268
Certificate of Appealability/Additional COA Issues	22	27	29	35	28	25	24	18	20	12	28	18	286
Leave to Appeal In Forma Pauperis	9	5	14	12	18	16	16	11	16	14	18	6	155
Issuance of COA and Leave to Appeal In Forma Pauperis	3	8	17	11	7	12	8	6	7	5	3	7	94
Mandamus or Prohibition	6	6	7	6	7	10	3	11	9	20	7	12	104
Successive Petitions	18	33	23	12	11	16	18	12	20	20	19	21	223
Miscellaneous Motions	55	41	51	54	39	41	55	53	49	41	52	43	574
TOTALS	206	255	266	230	203	209	234	195	222	220	244	204	2,688

ENCLOSURE G

