JUDICIAL WORKLOAD STATISTICS

UNITED STATES COURT OF APPEALS

FIFTH CIRCUIT

CLERK'S ANNUAL REPORT
JULY 2007 - JUNE 2008

PREFACE

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, 2007 through June 30, 2008.

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).

CHARLES R. FULBRUGE III
CLERK

INDEX

		Narrative Page	Table Page	Enclosure Page
SUMMARY OF ANNUAL REPORT		i	--	--
A.	NEW FILINGS	1	--	21
1.	New Appeals Filed	1	1	21
2.	Source of New Appeals by Type	1	2,3	21
3.	Source of New Appeals by Districts	3	3,4	--
B.	CLOSED APPEALS	5	--	--
1.	Yearly Comparison	5	5	--
2.	Method of Disposition	5	5	--
C.	UNDISPOSED OF (PENDING) APPEALS	5	6	--
1.	Cases Under Submission	6	6	--
2.	Unassigned Carry-over	6	7	--
	(a) Already Briefed	7	7	--
	(b) Unbriefed Cases	8	8	--
D.	SUMMARY OF APPEALS COMMENCED, TERMINATED and PENDING	8	8	--
E.	OPINIONS	9	--	--
1.	Number of Opinions, Published and Unpublished	9	9	--
2.	Types of Opinions	9	9	--
3.	Breakdown of Types of Opinions by Summary, Oral Argument and Conference Calendars	10	--	--
	(a) Summary Calendar	10	10	--
	(b) Oral Argument Calendar	10	11	--
	(c) Conference Calendar	11	--	--
4.	Published and Unpublished Opinions	11	--	--
	(a) Number and Percentage-2008	11	11	--
	(b) Percentage Comparison-(Published) 2003-2008	12	12	--
	(c) Length of Published Opinions	12	12	--
5.	Reversal Rate	12	13	--
F.	WORKLOAD PER ACTIVE JUDGE	14	--	22
1.	Opinion Output - Per Active Judge	14	--	--

	2. Opinion Output - (Overall)-2003-2008	14	15	23
	3. Overall Workload	15	16	24
G.	SCREENING CLASSIFICATIONS	16	--	25,26
	1. Cases Screened by Judges	16	17	--
	(a) Screening Classifications by Case Type	17	18	23
H.	EN BANC PETITIONS	19	--	24
I.	PETITIONS FOR CERTIORARI	19	19	25
J.	ADMINISTRATIVE-INTERIM MOTIONS	20	--	26

SUMMARY OF ANNUAL REPORT

The following summarizes the court's judicial business in tabular form:

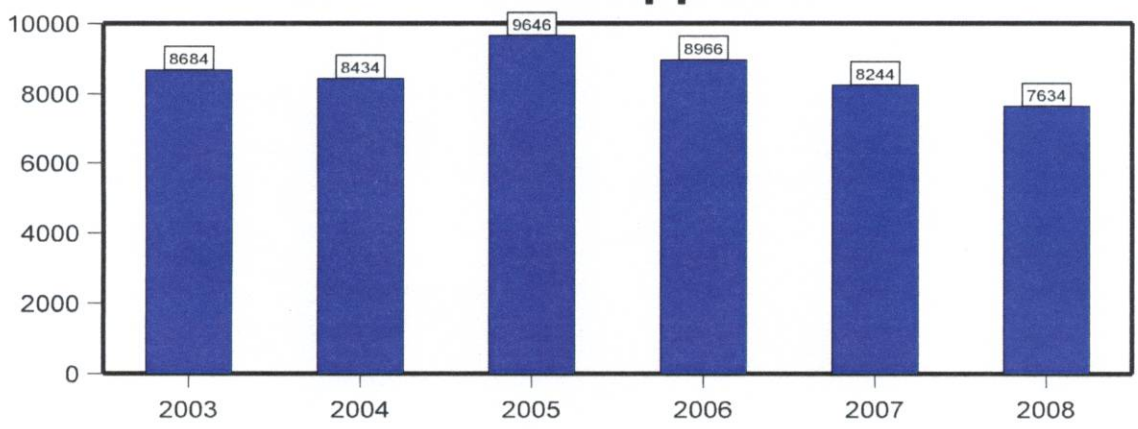
	2003	2004	2005	2006	2007	2008
New Appeals	8684	8434	9646	8966	8244	7634
Terminations	9114	8384	7772	8164	8797	7925
By Judges	6010	5525	4898	5539	6525	5827
By Clerk	2267	2093	2251	2048	2272	2098
By Consolidation	837	766	623	577	762	669
Pending Appeals	4434	4484	6361	7167	5845	4883
Total Cases Screened for Decision as to Oral Argument	3469	3445	2852	3328	4199	3548
Cases Sent to:						
Summary Calendar	1652	1492	1343	1572	1662	1627
Conference Calendar	1084	1222	762	1045	1569	1054
Oral Argument Calendar	733	731	749	711	968	867
Summary Calendar Rate	69.3%	67.1%	64.3%	68.9%	63.2%	65.2%
Conference & Summary Calendar Rate	78.9%	78.8%	73.8%	78.6%	77.0%	75.6%
Cases Ready for Argument	23	130	93	179	206	174
Cases Pending Under Submission	160	150	157	175	156	165
90-day Cases	52	52	46	73	53	76
Total Opinions	3721	3576	3032	3712	4288	3778
Published Opinions	518	405	445	468	483	481
Unpublished Opinions	3203	3171	2587	3244	3805	3297
Opinions per Active Judge	229	217	182	215	249	210
Publication Rate	13.9%	11.3%	14.7%	12.6%	11.3%	12.7%
Page Length of Published Opinions	8.0	8.5	8.2	7.3	7.4	8.1
Participations per Active Judge in Opinions	687	651	546	645	747	630
En Banc Cases	8	10	3	3	5	3
Motions per Active Judge	1117	1067	1194	1086	1265	1124

A. NEW FILINGS

1. New Appeals Filed

The chart below shows the "new appeals" filing trends. We experienced a 610 appeal decrease (7.4%), to 7634 appeals. Direct criminal appeals dropped by 279, (10.3%), prisoner appeals dropped by 127 (5.0%), successive habeas petitions dropped by 62 (14.4%), civil rights cases dropped by 60 (9.6%), and U.S. civil appeals declined by 25 (16.1%). The largest percentage gainers were in forma pauperis mandamus petitions, 21 (45.6%), tax, 7 (30.4%), and tax court, 6 (27.3%).

TABLE 1 - New Appeals Filed



2. Source of New Appeals by Type

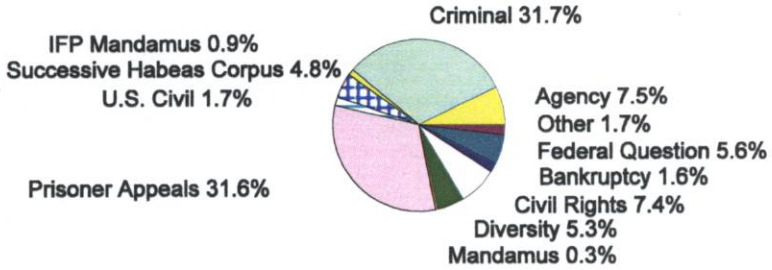
The source of appeals by type is found in the following tables, the first shows the six year trend; the second graphically displays the 2008 data. (See also column (d) of the monthly cumulative reports of new appeals by type at **Enclosure A**, page 21.)

TABLE 2

	2003	2004	2005	2006	2007	2008	Change from '07 No.	Change from '07 %
Criminal	2382	2445	3634	3121	2698	2419	-279	-10.3
Prisoner Appeals	3125	2916	2805	2741	2538	2411	-127	-5.0
Successive Habeas Corpus	363	361	560	562	429	367	-62	-14.4
IFP Mandamus	195	213	143	87	46	67	+21	+45.6
Federal Question	514	436	429	406	455	426	-29	-6.4
Diversity	470	416	396	387	466	402	-64	-13.7
U.S. Civil	143	104	101	140	155	130	-25	-16.1
Tax	23	15	16	9	23	30	+7	+30.4
Tax Court	26	18	27	17	22	28	+6	+27.3
Civil Rights	688	729	711	583	624	564	-60	-9.6
Bankruptcy	128	123	118	103	130	122	-8	-6.1
Social Security	77	72	74	53	64	66	+2	+3.1
N.L.R.B.	15	17	7	11	11	9	-2	-18.2
Mandamus	75	70	39	38	34	23	-11	-32.3
Agency	460	499	586	708	549	570	+21	+3.8
	8684	8434	9646	8966	8244	7634	-610	-7.4

Our biggest increases in filings were in IFP mandamus petitions, and agency appeals. Criminal, prisoner, and diversity appeals dropped.

TABLE 3
2008 New Appeals by Case Type



3. Source of New Appeals by Districts

Three of the nine districts showed an increase in appeals filed. Eastern Texas and Western Louisiana increased the most. Southern, Northern, and Western Texas had significant decreases.

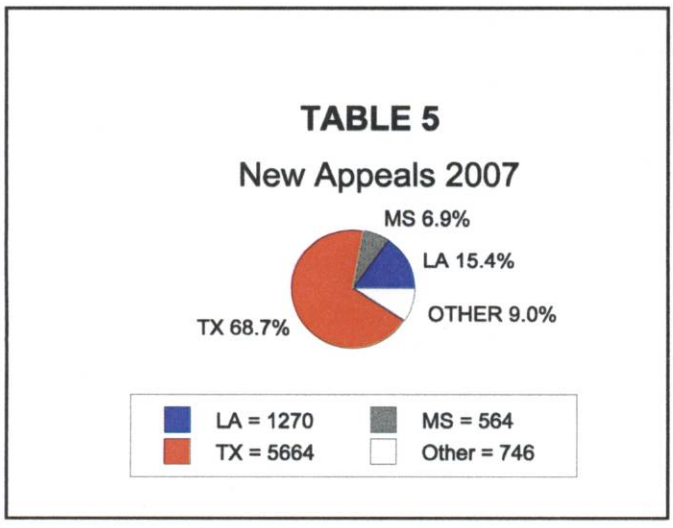
TABLE 4

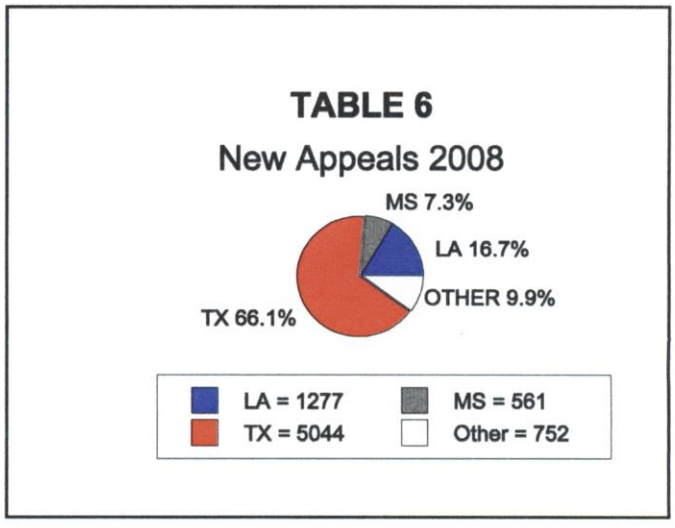
New Appeals by Districts
(All Appeals)

	2003	2004	2005	2006	2007	2008	Change from '07
Louisiana Eastern	582	603	622	494	625	598	-27
Louisiana Middle	186	190	212	215	214	186	-28
Louisiana Western	527	488	527	527	431	493	+62
Subtotal	1295	1281	1361	1236	1270	1277	7

	2003	2004	2005	2006	2007	2008	Change from '07
Mississippi Northern	249	255	249	219	203	191	- 12
Mississippi Southern	437	354	405	280	361	370	+ 9
Subtotal	686	609	654	499	564	561	- 3
Texas Northern	1343	1482	1716	1416	1486	1273	-213
Texas Southern	2282	2133	2474	2512	1904	1710	-194
Texas Eastern	838	778	724	754	534	630	+ 96
Texas Western	1536	1424	1939	1672	1740	1431	-309
Subtotal	5999	5817	6853	6354	5664	5044	-620
Agency	460	499	586	708	549	570	+21
Bankruptcy	128	123	119	103	130	122	-8
U.S. Tax Court	26	18	27	17	22	28	+6
NLRB	15	17	7	11	11	9	-2
Mandamus	75	70	39	38	34	23	-11
Subtotal	704	727	778	877	746	752	+6
Total	8684	8434	9646	8966	8244	7634	-610

A comparison of the percentage of appeals by states for 2007 and 2008 is shown on the following charts:





B. CLOSED APPEALS

1. Yearly Comparison

The court disposed of 965 fewer **appeals** this year, a decrease of 10.1%. Likewise, there was a 9.9% decrease in **case** disposals.

TABLE 7

	2003	2004	2005	2006	2007	2008	Change from '07	
All Appeals	9114	8384	7772	8164	9559	8594	-965	-10.1%
Cases	8277	7618	7149	7587	8797	7925	-872	-9.9%

2. Method of Disposition

Overall, the court disposed of 872 fewer cases than last year. There were 521 fewer opinions, and other judicial dispositions decreased by 177. Clerk dispositions decreased by 174.

TABLE 8

	2003	2004	2005	2006	2007	2008	Change from '07
By Opinion*	3707	3549	3004	3690	4270	3749	-521
Other Judicial Dispositions	2303	1976	1894	1849	2255	2078	-177
Total Judicial Disposition	6010	5525	4898	5539	6525	5827	-698
By Clerk	2267	2093	2251	2048	2272	2098	-174
Closed Cases	8277	7618	7149	7587	8797	7925	-872

* Does not include 29 opinions which were non-dispositive.

C. UNDISPOSED OF (PENDING) APPEALS

The court disposed of 8594 **appeals** compared to 7634 filed. There are 4351 cases pending this year compared with 5223 last year.

TABLE 9

	2003	2004	2005	2006	2007	2008	% Change from '07
All Appeals Pending	4434	4484	6361	7167	5845	4885	-16.4
Cases	3895	3967	5742	6467	5223	4351	-16.7

The 4351 pending cases are broken down into two sub-categories:

1. Cases Under Submission

Excluding cases consolidated for argument and decision (2), and held in abeyance by the judges (11), the pending cases argued and awaiting decision decreased from last year.

TABLE 10

	2003	2004	2005	2006	2007	2008
Active Judges	135	134	330	181	143	142
Senior & Visiting Judges	27	17	11	11	26	27
Total	162	151	341	192	169	169

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 12 for details). Unassigned cases decreased significantly, 871 fewer than last year. This leaves 4171 cases which are the immediate future workload of the court. The following chart gives the six year trend:

TABLE 11

	Unassigned Cases	New Appeals	% Unassigned Cases to New Appeals
2003	3714	8684	42.8
2004	3787	8434	44.9
2005	5381	9646	55.8
2006	6259	8966	69.8
2007	5042	8244	61.2
2008	4171	7634	54.6

The 4171 unassigned cases fall into the following categories:

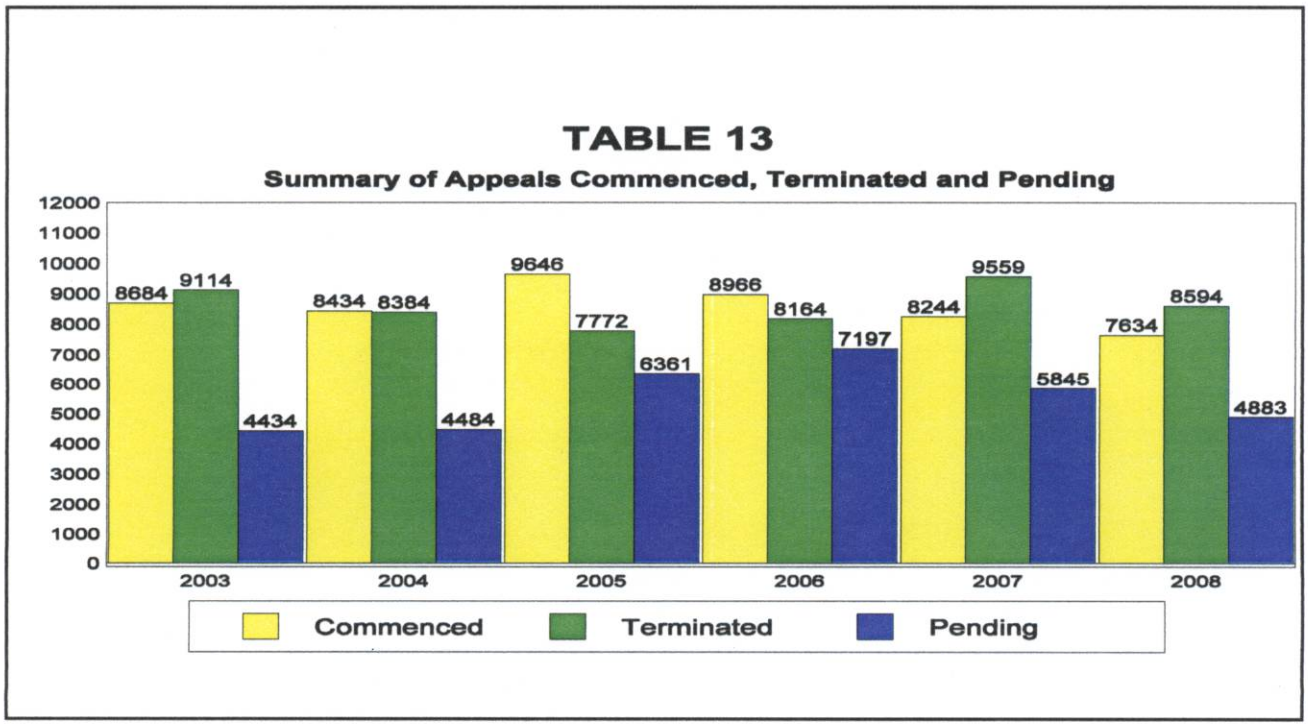
TABLE 12

	2007	2008
(a) Already Briefed		
Calendared for Oral Argument	121	115
Briefed but Held in Abeyance	120	59
Awaiting Assignment to Oral Argument Calender	206	174
Being Screened	785	661

	2007	2008
Awaiting Assignment to Augean Conference	136	93
Awaiting Assignment to Conference Calendar	168	119
Sub Total	**1536**	**1221**
(b) Unbriefed Cases		
Pre-Briefing	1654	1191
Records Due	285	219
Being Briefed	1354	1316
Stayed/Held in Abeyance	84	62
Awaiting DC Action*	129	162
Sub Total	**3506**	**2950**
Total	**5042**	**4171**

* 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 510. The figures for the total opinions, including the numbers published and unpublished for the last six years are:

TABLE 14

Year	Total Opinions	Published	Unpublished
2003	3721	518	3203
2004	3576	405	3171
2005	3032	445	2587
2006	3712	468	3244
2007	4288	483	3805
2008	3778	481	3297

2. Types of Opinions

The percentage of signed opinions increased by .5% this year, while the percentage of per curiam opinions decreased by .6%.

TABLE 15

Year	Signed	Per Curiam	Rule 47.6
2003	14.6%	84.8%	.6%
2004	13.8%	85.8%	.4%
2005	15.9%	83.6%	.5%
2006	12.6%	86.8%	.6%
2007	11.7%	87.7%	.6%
2008	12.2%	87.1%	.7%

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 decreased by 25 from 1679 to 1654. The percentage of signed opinions on the summary calendar increased by .3% while per curiam opinions decreased by .5%.

TABLE 16

	Signed	Per Curiam	Rule 47.6	Total
2003	4.2%	95.8%	0	100.0%
2004	4.7%	95.2%	.1%	100.0%
2005	2.9%	96.9%	.2%	100.0%
2006	2.2%	97.4%	.4%	100.0%
2007	1.6%	98.2%	.2%	100.0%
2008	1.9%	97.7%	.4%	100.0%

(b) Oral Argument Calendar

The percentage of signed opinions on the oral argument calendar decreased this year by 6.6%. The percentage of per curiam opinions increased by 7.1%.

TABLE 17

	Signed	Per Curiam	Rule 47.6	Total
2003	50.5%	46.8%	2.7%	100.0%
2004	51.4%	47.0%	1.6%	100.0%
2005	51.2%	47.2%	1.6%	100.0%
2006	51.6%	46.5%	1.9%	100.0%
2007	48.0%	49.7%	2.3%	100.0%
2008	41.4%	56.8%	1.8%	100.0%

(c) Conference Calendar

There were 1086 conference calendar opinions this year compared to 1621 last year.

4. Published and Unpublished Opinions

Of the 3778 opinions, 481 (12.7%) were published. The number of published opinions decreased by 2 from the preceding year.

(a) Number and Percentage - 2008

TABLE 18

	Published		Unpublished		Total
	No.	%	No.	%	
Signed Opinions	404	87.3	59	12.7	463
Per Curiam Opinions	77	2.3	3213	97.7	3290
Rule 47.6 Opinions	--	--	25	100.0	25
Total	481	12.7	3297	87.3	3778

(b) Percentage Comparison (Published) - 2003 - 2008

TABLE 19

	% Published					
	2003	2004	2005	2006	2007	2008
Signed Opinions	80.6	71.3	76.7	84.2	83.9	87.3
Per Curiam Opinions	2.6	1.7	3.3	2.3	1.6	2.3
All Opinions	13.9	11.3	14.7	12.6	11.3	12.7

(c) Length of Published Opinions

The average page length of opinions is up 9% from 2007.

TABLE 20

2003	8.0
2004	8.5
2005	8.2
2006	7.3
2007	7.4
2008	8.1

5. Reversal Rate

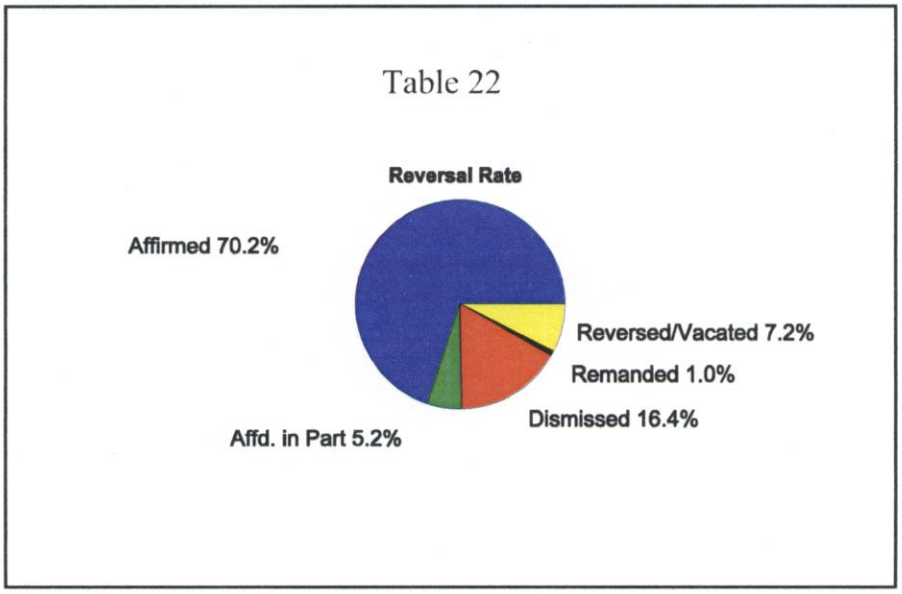
The 2008 reversed/vacated rate of 7.2% is higher than the 6.5% reversed/vacated rate in 2007.

TABLE 21

	2008								2007
	Summary		Hearing		Conference Calendar		Overall		
	No.	%	No.	%	No.	%	No.	%	%
Affirmed	1303	78.8	646	62.2	705	64.9	2654	70.2	73.5
Affd. in Part	85	5.1	102	9.8	9	.8	196	5.2	5.3
Dismissed	175	10.6	71	6.9	372	34.3	618	16.4	14.0
Remanded	10	.6	27	2.6	0	0	37	1.0	.7
Transferred	0	0	0	0	0	0	0	0	0
Reversed/Vacated	81	4.9	192	18.5	0	0	273	7.2	6.5
Total	1654	100.0	1038	100.0	1086	100.0	3778	100.0	100.0

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

Table 22



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, 2007 through June 30, 2008. The opinion output per active judge decreased by 39 cases over last year.

2. Opinion Output - Overall - 2003 - 2008

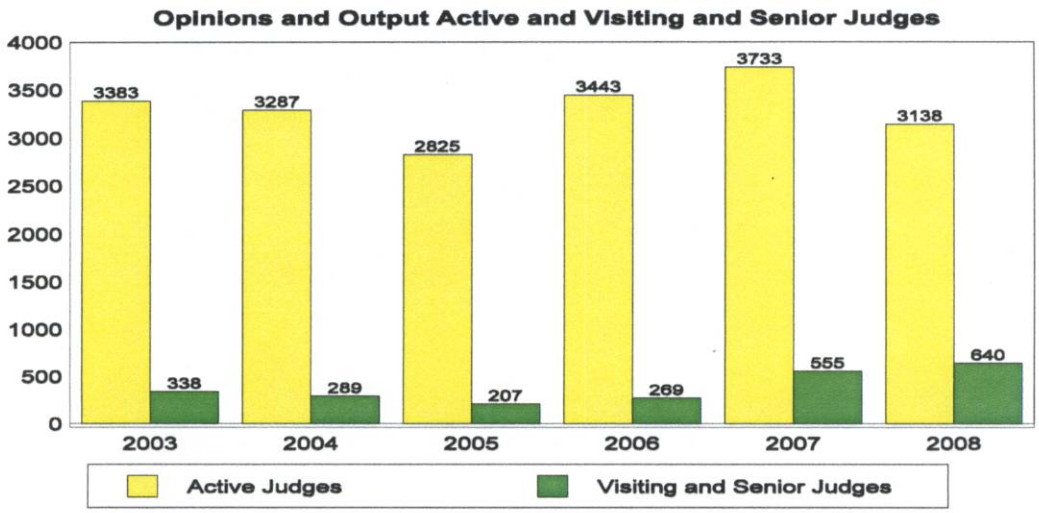
The opinion workload for the entire court as well as for the active judges alone is shown in the following table:

TABLE 23

Year	(a)* Opinions by Active Judges	(b)* Opinions by Non-Active Judges	(c) Total Opinion Output	(d) Opinions per Active Judge
2003	3383	338	3721	229
2004	3287	289	3576	217
2005	2825	207	3032	182
2006	3443	269	3712	215
2007	3733	555	4288	249
2008	3138	640	3778	210

* Includes Augean conference.

Table 24



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, the judges handled 205 fewer matters per judge than last year. **Enclosure B**, page 22, shows the total average annual workload per active judge, based on the court's summary calendar rate of approximately 65.2% of the caseload; seven sessions of court per active judge, and other workload figures as follows:

TABLE 25

	Per Active Judge					
	2003	2004	2005	2006	2007	2008
Opinions and Participations in Opinions*	687	651	546	645	747	630
Suggestions for Rehearing En Banc	230	193	176	172	160	213
Administrative-Interim Motions	1117	1067	1194	1086	1265	1124
Total Workload	2034	1911	1916	1903	2172	1967

* Based on figures of judges who participated in summary, hearing and conference calendars for the full year. The number of opinions for all other judges are contained in Enclosure B.

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 an increase in percentage of cases sent to the oral argument calendar, although the overall number fell by 97. Actual argument was held in about 60% of the 867 cases assigned to Class III and IV.

TABLE 26

Statistical Year	Class I and II (No Argument) No.	%	III (Limited Argument) No.	%	IV (Full Argument) No.	%	Total No.	%
2003	2736[1]	78.9	726	20.9	7	0.2	3469[1]	100.0
2004	2714[2]	78.8	728	21.1	3	0.1	3445[2]	100.0
2005	2105[3]	73.8	745	26.1	2	0.1	2852[3]	100.0
2006	2617[4]	78.6	710	21.3	1	0.1	3328[4]	100.0
2007	3235[5]	77.0	961	22.9	3	0.1	4199[5]	100.0
2008	2681[6]	75.6	863	24.3	4	0.1	3548[6]	100.0
Total	16,088[7]	77.2	4733	22.7	20	0.1	20,841[7]	100.0

Several additional screening tables follow:

(a) **Screening Classifications by Case Type**

Enclosure C, page 23, 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:

---

[1]Includes 1084 conference calendar cases.

[2]Includes 1222 conference calendar cases.

[3]Includes 762 conference calendar cases.

[4]Includes 1045 conference calendar cases.

[5]Includes 1569 conference calendar cases.

[6]Includes 1054 conference calendar cases.

[7]Includes 6736 conference calendar cases.

TABLE 27

Case Type	Summary Calendar Percentage (%)					
	2003	2004	2005	2006	2007	2008
DIRECT CRIMINAL	89.0	91.2	87.7	89.5	87.1	87.9
CRIMINAL NON-DIRECT	89.2	83.7	81.0	90.7	64.6	72.1
PRISONER CASES						
W/cnsl.	50.0	51.4	44.2	46.9	65.4	44.1
W/O cnsl.	96.7	96.5	98.4	95.4	92.3	89.4
2255						
W/cnsl.	68.4	60.0	42.9	66.7	80.0	75.0
W/O cnsl.	92.3	53.8	66.7	86.7	44.4	68.4
CIVIL						
Diversity	36.8	28.4	30.5	28.8	34.1	33.6
Federal Question	43.8	39.5	29.6	27.8	31.8	36.2
U.S. Civil	51.8	59.0	36.8	59.3	48.6	41.8
Tax	50.0	42.9	57.1	54.5	75.0	41.7
Bankruptcy	40.0	36.5	30.6	25.5	43.5	33.8
Civil Rights	67.3	63.2	58.5	60.8	57.1	62.3
NLRB	12.5	0.0	50.0	54.5	20.0	33.3
Tax Court	43.7	70.0	30.8	60.0	55.6	77.8
Other Agency	78.2	84.6	79.5	78.7	79.6	81.5
Social Security	94.6	91.1	86.3	86.2	100.0	100.0
Mandamus	0	0	0	0	0	0
Non-paid Mandamus	0	0	0	0	0	0
TOTAL	78.9	78.8	73.8	78.6	77.0	75.6

H. EN BANC PETITIONS

The number of petitions for rehearing en banc increased by 53, (160 to 213). This amounts to en banc petitions being filed in 5.6% of the cases decided by opinion.

Of the 212 petitions acted upon, 3 were granted. This is a decrease from 2007. Of the 202 petitions denied, 1 was denied after a poll. Seven were disposed of by other means. See **Enclosure D**, page 24, for other details.

I. PETITIONS FOR CERTIORARI

The number of petitions filed is as follows:

TABLE 28

Petitions Filed	2003	2004	2005	2006	2007	2008
Criminal	715	779	805	1340	1338	957
U.S. Civil	81	90	56	41	78	72
Private Civil	517	470	363	256	334	409
Administrative Appeals	3	7	12	6	21	7
TOTAL	1316	1346	1236	1643	1771	1445
Opinions Rendered	3721	3576	3032	3712	4288	3778
% of Petitions Filed to Opinions	35.4	37.6	40.8	44.3	41.3	38.2

There were 1509 actions taken by the Supreme Court compared with 1770 last year. Forty petitions were granted, 31 fewer than last year, or 2.65% granted of the total petitions acted upon. (For additional information, see **Enclosure E**, page 25.)

J. ADMINISTRATIVE-INTERIM MOTIONS

The administrative-interim motions decreased to 3316 from 3584 last year, to an average of 237 initiating actions per active judge, down from 239 the prior year. When panel matters are considered, each judge acted on 1124 such motions, a decrease from 1265 last year. See **Enclosure F**, page 26, for other details.

TABLE OF NEW APPEALS DOCKETED BY CASE TYPE AS OF 6/2008

	(a)	(b)		(c)	(d)												
Case Type	Mo. % 2007-08	Cumulative % 06-07	07-08	2006 2007	2007 2008	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
CRIMINAL CASES	37.29%	32.71%	31.69%	2697	2419	201	178	196	193	208	177	183	186	195	213	244	245
PRISONER CASES w/counsel	1.52%	1.97%	2.03%	162	155	13	20	14	19	11	3	14	8	11	21	11	10
w/o counsel	26.18%	28.83%	29.55%	2377	2256	206	230	195	240	163	128	225	162	194	171	170	172
Succ Habeas	3.96%	5.20%	4.81%	429	367	44	25	39	29	25	27	26	36	34	26	30	26
Non-Pd Mandamus	1.37%	0.56%	0.88%	46	67	0	2	2	3	5	2	15	7	7	8	7	9
SUB-TOTAL	70.32%	69.27%	68.95%	5711	5264	464	455	446	484	412	337	463	399	441	439	462	462
CIVIL Private Civil	9.28%	11.18%	10.85%	922	828	55	62	74	84	55	58	87	66	73	85	68	61
Diversity	5.18%	5.56%	5.27%	458	402	31	22	36	39	19	29	42	39	44	40	27	34
Fed. Quest.	4.11%	5.63%	5.58%	464	426	24	40	38	45	36	29	45	27	29	45	41	27
U.S. Civil	1.22%	1.98%	1.70%	163	130	15	15	11	12	9	2	19	6	11	12	10	8
Tax	0.61%	0.28%	0.39%	23	30	2	1	2	2	1	3	2	3	2	5	3	4
Tax Court	0.46%	0.27%	0.37%	22	28	3	2	1	6	0	2	3	2	1	2	3	3
Bankruptcy	1.22%	1.58%	1.60%	130	122	8	13	16	10	10	6	12	4	11	14	10	8
N.L.R.B.	0.15%	0.13%	0.12%	11	9	0	1	2	1	0	0	0	0	0	3	1	1
Other Agency	8.68%	6.66%	7.47%	549	570	37	38	47	40	43	42	52	52	54	48	60	57
Civil Rights	7.46%	7.46%	7.39%	615	564	48	62	33	54	52	28	52	33	40	51	62	49
Soc. Security	0.61%	0.78%	0.86%	64	66	6	10	8	11	3	5	3	5	3	6	2	4
Mandamus	0.00%	0.41%	0.30%	34	23	1	4	1	4	0	0	3	3	2	0	5	0
SUB-TOTAL	29.68%	30.73%	31.05%	2533	2370	175	208	195	224	173	146	233	174	197	226	224	195
TOTAL APPEALS	**100.0%**	**100.0%**	**100.0%**	**8244**	**7634**	**639**	**663**	**641**	**708**	**585**	**483**	**696**	**573**	**638**	**665**	**686**	**657**

Legend:

Col:
- (a): Monthly Percentage Make-Up of the New Filings.
- (b): The Cumulative Percentage for the corresponding months in 06-07 compared with 07-08.
- (c): The Cumulative Total Filings for the corresponding number of months in 06-07.
- (d): The Cumulative Total for 07-08.

ENCLOSURE A

ENCLOSURE B

WORKLOAD PER ACTIVE JUDGE 2008*

I.	SUMMARY CALENDAR CASES				
	(a)	Opinions or dispositions as initiating judge	91		
	(b)	Participations in opinions or dispositions of other panel members		182	
	(c)	Sub-total summary calendar cases			273
II.	CONFERENCE CALENDAR CASES				
	(a)	Opinions or dispositions as initiating judge	61		
	(b)	Participations in opinions or dispositions of other panel members		122	
	(c)	Sub-total conference calendar cases			183
III.	HEARING CALENDAR AND OTHER CASES				
	(a)	Opinions or dispositions as writing judge	58		
	(b)	Participations in opinions or dispositions of other panel members		116	
	(c)	Sub-total oral argument cases	—	—	174
IV.	TOTAL OPINIONS (I(a), II(a) and III(a))*		210		
V.	TOTAL PANEL (NON-OPINION) PARTICIPATIONS (I(b), II(b) and III(b))			420	
VI.	TOTAL OPINIONS AND PARTICIPATIONS (I(c), II(c) and III(c))				630
VII.	PETITIONS FOR REHEARING EN BANC				213
VIII.	ADMINISTRATIVE-INTERIM MATTERS				
	(a)	Single judge matters	137		
	(b)	Participation in panel matters as initiating judge	329		
	(c)	Participation in panel matters of other panel members		658	
	(d)	Sub-total administrative-interim matters			1124
IX.	TOTAL MATTERS PARTICIPATED IN PER JUDGE				1967

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

ENCLOSURE C

SUMMARY OF SCREENING CLASSIFICATION

BY CASE TYPE

PERIOD: JULY 1, 2007 - JUNE 30, 2008

CASE TYPE	I	II	III	IV	TOTAL	% of I and II's to TOTAL CASES
CRIMINAL DIRECT	332	1324	226	1	1883	87.9
CRIMINAL NON-DIRECT	22	27	19	0	68	72.1
PRISONER CASES						
HC-W	0	8	14	0	22	36.4
HC-W/O	8	92	21	0	121	82.6
1983-W	0	7	5	0	12	58.3
1983-W/O	60	120	14	0	194	92.8
O. Pris.-W	0	0	0	0	0	0.0
O. Pris.-W/O	10	31	3	0	44	93.2
2255-W	1	2	1	0	4	75.0
2255-W/O	0	13	6	0	19	68.4
CIVIL						
Diversity	1	77	154	0	232	33.6
Fed. Question	4	79	143	0	229	36.2
U.S. Civil	1	27	39	0	67	41.8
Tax	0	5	7	0	12	41.7
Bankruptcy	0	25	49	0	74	33.8
Civ. Rights	16	191	125	0	332	62.3
N.L.R.B.	0	1	2	0	3	33.3
Tax Court	0	7	2	0	9	77.8
Other Agency	0	145	33	0	178	81.5
Social Security	0	45	0	0	45	100.0
Mandamus	0	0	0	0	0	0.0
Non-Paid Mandamus	0	0	0	0	0	0.0
TOTAL	**455**	**2226**	**863**	**4**	**3548***	**75.6**

*Total includes 1054 conference calendar cases.

PETITIONS FOR REHEARING EN BANC

		F.Y. 2008 07/01/07 - 06/30/08 **TOTAL**
Total Pending as of 06/30/07		15
FILED		
Petitions for Rehearing En Banc Filed		213
DENIED		
w/poll vote	1	
w/o poll vote	201	202
GRANTED		
On Court's own motion with oral argument	0	
On Court's own motion without oral argument	0	
On motion of parties with oral argument	3	
On motion of parties without oral argument	0	3
OTHER		7
Total Pending as of 06/30/08		16

LIST OF PETITIONS FOR CERTIORARI FILED, ACTED ON AND PENDING

SUMMARY

PERIOD: July 1, 2007 to June 30, 2008

TYPE	PENDING 07/01/07	NUMBER FILED	TYPE OF DISPOSITION GRANTED	DENIED	DISMISSED	PENDING 6/30/08
TOTAL	259	1445	40	1461	8	195
CRIM	159	957	35	999	0	82
USC	17	72	0	79	2	8
PRIV.CIV.	76	409	3	373	6	103
ADM*	7	7	2	10	0	2

* 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 2008)

Motions to or for:	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	TOTALS
Dismiss	31	15	14	30	24	13	24	17	17	17	15	6	223
Reinstate Appeal	0	0	0	1	0	0	0	1	0	2	0	1	5
Appointment of Counsel	5	6	6	5	4	8	8	4	6	5	3	5	65
Expedite Hearing, for Continuance, or Special Assignment	3	0	4	3	1	2	3	1	5	1	4	0	27
Stay or for Injunction and/or Supersedeas Pending Appeal	17	16	10	13	17	17	18	17	29	22	16	19	211
Supplement the Record	3	4	1	5	1	2	1	4	2	3	2	4	32
Strike Briefs, Designations for Printing, etc	1	1	1	0	1	5	4	4	5	0	0	3	25
Excess Pages in Brief	0	2	1	0	1	0	0	0	2	0	0	1	7
Bail Pending Appeal	1	0	0	1	2	0	5	1	2	3	2	1	18
Interlocutory Appeal (Sec. 1292(b))	1	1	2	4	1	4	4	1	0	2	4	2	26
Jurisdiction	65	70	59	58	48	58	51	43	55	32	35	49	623
Withdraw as Counsel	5	5	2	3	3	6	3	2	3	5	1	0	38
Extensions of Time	8	6	3	6	8	5	5	8	11	7	7	2	76
Certificate of Probable Cause/Certificate of Appealability	67	118	43	94	35	111	40	122	45	115	40	135	965
Leave to Appeal In Forma Pauperis	20	17	13	8	15	18	11	17	16	11	22	23	191
Issuance of CPC/COA and Leave to Appeal In Forma Pauperis	29	15	11	8	10	12	13	14	7	15	13	14	161
Mandamus or Prohibition	1	5	2	3	2	0	4	2	10	2	5	3	39
Successive Petitions	26	21	22	21	25	22	21	24	15	24	16	24	261
Miscellaneous Motions	18	31	28	33	28	23	29	22	30	18	22	41	323
TOTALS	301	333	222	296	226	306	244	304	260	284	207	333	3316