

**Table B-5A.**

**U.S. Courts of Appeals—Appeals Terminated by Procedural Judgments, by Circuit During the Twelve-Month Period Ended September 30, 1998**

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42*	Default	Other
<b>ALL CIRCUITS</b>	<b>52,002</b>	<b>24,137</b>	<b>31</b>	<b>10,661</b>	<b>2,877</b>	<b>788</b>	<b>104</b>	<b>616</b>	<b>4,828</b>	<b>1,448</b>	<b>13,445</b>	<b>6,725</b>	<b>6,290</b>	<b>430</b>
CRIMINAL	10,105	2,406	4	792	321	169	13	-	-	289	1,610	1,040	482	88
U.S. PRISONER PETITIONS	5,663	3,971	-	2,805	272	10	10	-	2,400	113	1,166	235	900	31
OTHER U.S. CIVIL	3,893	1,385	-	363	187	63	12	-	2	99	1,022	577	423	22
PRIV. PRISONER PETITIONS	11,214	7,665	-	4,202	858	29	33	616	2,426	240	3,463	682	2,724	57
OTHER PRIVATE CIVIL	15,441	6,269	24	1,451	795	427	29	-	-	200	4,794	3,275	1,431	88
BANKRUPTCY	1,187	557	3	159	67	46	4	-	-	42	395	272	114	9
ADMINISTRATIVE APPEALS	3,721	1,694	-	725	377	44	3	-	-	301	969	644	216	109
ORIGINAL PROCEEDINGS	778	190	-	164	-	-	-	-	-	164	26	-	-	26
<b>DISTRICT OF COLUMBIA</b>	<b>1,590</b>	<b>672</b>	<b>-</b>	<b>176</b>	<b>99</b>	<b>8</b>	<b>8</b>	<b>1</b>	<b>18</b>	<b>42</b>	<b>496</b>	<b>327</b>	<b>103</b>	<b>66</b>
CRIMINAL	166	40	-	5	2	-	-	-	-	3	35	31	4	-
U.S. PRISONER PETITIONS	125	59	-	28	3	-	4	-	18	3	31	9	20	2
OTHER U.S. CIVIL	301	109	-	26	15	3	-	-	-	8	83	44	38	1
PRIV. PRISONER PETITIONS	58	27	-	3	-	-	1	1	-	1	24	1	23	-
OTHER PRIVATE CIVIL	187	59	-	10	7	3	-	-	-	-	49	36	10	3
BANKRUPTCY	7	2	-	2	2	-	-	-	-	-	-	-	-	-
ADMINISTRATIVE APPEALS	713	369	-	97	70	2	3	-	-	22	272	206	8	58
ORIGINAL PROCEEDINGS	33	7	-	5	-	-	-	-	-	5	2	-	-	2
<b>FIRST CIRCUIT</b>	<b>1,430</b>	<b>646</b>	<b>-</b>	<b>299</b>	<b>34</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>97</b>	<b>164</b>	<b>347</b>	<b>200</b>	<b>112</b>	<b>35</b>
CRIMINAL	377	150	-	58	-	1	-	-	-	57	92	44	40	8
U.S. PRISONER PETITIONS	129	102	-	79	1	-	-	-	62	16	23	5	13	5
OTHER U.S. CIVIL	113	41	-	11	1	-	-	-	-	10	30	21	7	2
PRIV. PRISONER PETITIONS	109	75	-	50	2	-	-	1	35	12	25	4	18	3
OTHER PRIVATE CIVIL	561	213	-	56	18	2	-	-	-	36	157	113	32	12
BANKRUPTCY	31	14	-	7	1	-	-	-	-	6	7	7	-	-
ADMINISTRATIVE APPEALS	67	38	-	29	11	-	-	-	-	18	9	6	2	1
ORIGINAL PROCEEDINGS	43	13	-	9	-	-	-	-	-	9	4	-	-	4
<b>SECOND CIRCUIT</b>	<b>4,289</b>	<b>2,299</b>	<b>-</b>	<b>617</b>	<b>85</b>	<b>-</b>	<b>-</b>	<b>9</b>	<b>212</b>	<b>311</b>	<b>1,682</b>	<b>863</b>	<b>711</b>	<b>108</b>
CRIMINAL	746	224	-	34	10	-	-	-	-	24	190	82	70	38
U.S. PRISONER PETITIONS	301	204	-	97	7	-	-	-	71	19	107	6	95	6
OTHER U.S. CIVIL	318	153	-	19	8	-	-	-	-	11	134	61	68	5
PRIV. PRISONER PETITIONS	745	515	-	282	23	-	-	9	141	109	233	16	206	11
OTHER PRIVATE CIVIL	1,599	811	-	63	32	-	-	-	-	31	748	481	247	20
BANKRUPTCY	86	52	-	3	1	-	-	-	-	2	49	36	9	4
ADMINISTRATIVE APPEALS	455	335	-	117	4	-	-	-	-	113	218	181	16	21
ORIGINAL PROCEEDINGS	39	5	-	2	-	-	-	-	-	2	3	-	-	3

**Table B5-A. (September 30, 1998—Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42*	Default	Other
<b>THIRD CIRCUIT</b>	<b>3,231</b>	<b>1,357</b>	-	<b>607</b>	<b>171</b>	<b>5</b>	<b>1</b>	<b>10</b>	<b>316</b>	<b>104</b>	<b>750</b>	<b>446</b>	<b>289</b>	<b>15</b>
CRIMINAL	531	89	-	26	12	1	1	-	-	12	63	56	6	1
U.S. PRISONER PETITIONS	359	241	-	202	17	1	-	-	177	7	39	12	26	1
OTHER U.S. CIVIL	227	88	-	31	13	-	-	-	1	17	57	38	19	-
PRIV. PRISONER PETITIONS	614	383	-	221	51	-	-	10	138	22	162	26	130	6
OTHER PRIVATE CIVIL	1,159	449	-	88	67	1	-	-	-	20	361	263	93	5
BANKRUPTCY	87	37	-	7	1	-	-	-	-	6	30	22	8	-
ADMINISTRATIVE APPEALS	173	68	-	32	10	2	-	-	-	20	36	29	7	-
ORIGINAL PROCEEDINGS	81	2	-	-	-	-	-	-	-	-	2	-	-	2
<b>FOURTH CIRCUIT</b>	<b>5,233</b>	<b>2,235</b>	<b>1</b>	<b>1,176</b>	<b>216</b>	<b>34</b>	<b>1</b>	<b>26</b>	<b>850</b>	<b>49</b>	<b>1,058</b>	<b>654</b>	<b>384</b>	<b>20</b>
CRIMINAL	1,100	187	-	54	36	3	-	-	-	15	133	113	17	3
U.S. PRISONER PETITIONS	892	598	-	485	33	1	-	-	449	2	113	39	71	3
OTHER U.S. CIVIL	343	93	-	15	9	5	-	-	-	1	78	48	26	4
PRIV. PRISONER PETITIONS	1,201	809	-	498	61	1	1	26	401	8	311	120	189	2
OTHER PRIVATE CIVIL	1,248	425	1	67	42	15	-	-	-	10	357	285	70	2
BANKRUPTCY	107	41	-	14	7	6	-	-	-	1	27	23	3	1
ADMINISTRATIVE APPEALS	307	78	-	39	28	3	-	-	-	8	39	26	8	5
ORIGINAL PROCEEDINGS	35	4	-	4	-	-	-	-	-	4	-	-	-	-
<b>FIFTH CIRCUIT</b>	<b>7,774</b>	<b>4,052</b>	-	<b>1,553</b>	<b>600</b>	<b>59</b>	<b>9</b>	<b>135</b>	<b>666</b>	<b>84</b>	<b>2,499</b>	<b>695</b>	<b>1,781</b>	<b>23</b>
CRIMINAL	1,436	389	-	81	59	6	-	-	-	16	308	140	165	3
U.S. PRISONER PETITIONS	804	580	-	331	66	2	-	-	255	8	249	24	224	1
OTHER U.S. CIVIL	391	140	-	31	16	6	1	-	-	8	109	37	70	2
PRIV. PRISONER PETITIONS	2,621	2,008	-	811	246	7	2	135	411	10	1,197	161	1,026	10
OTHER PRIVATE CIVIL	1,970	675	-	141	95	28	5	-	-	13	534	278	251	5
BANKRUPTCY	160	78	-	20	4	6	1	-	-	9	58	30	27	1
ADMINISTRATIVE APPEALS	289	182	-	138	114	4	-	-	-	20	44	25	18	1
ORIGINAL PROCEEDINGS	103	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>SIXTH CIRCUIT</b>	<b>4,330</b>	<b>2,219</b>	-	<b>1,049</b>	<b>355</b>	<b>23</b>	<b>3</b>	<b>75</b>	<b>528</b>	<b>65</b>	<b>1,170</b>	<b>601</b>	<b>502</b>	<b>67</b>
CRIMINAL	741	210	-	59	50	1	-	-	-	8	151	84	47	20
U.S. PRISONER PETITIONS	487	366	-	300	48	-	-	-	247	5	66	9	48	9
OTHER U.S. CIVIL	305	125	-	32	22	3	1	-	-	6	93	52	38	3
PRIV. PRISONER PETITIONS	1,024	720	-	478	114	-	1	75	281	7	242	41	192	9
OTHER PRIVATE CIVIL	1,424	664	-	120	90	15	1	-	-	14	544	364	159	21
BANKRUPTCY	94	49	-	9	8	1	-	-	-	-	40	31	8	1
ADMINISTRATIVE APPEALS	208	74	-	44	23	3	-	-	-	18	30	20	10	-
ORIGINAL PROCEEDINGS	47	11	-	7	-	-	-	-	-	7	4	-	-	4

**Table B5-A. (September 30, 1998—Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appeal-ability	Other	Total	FRAP 42*	Default	Other
<b>SEVENTH CIRCUIT</b>	<b>3,261</b>	<b>1,604</b>	-	<b>579</b>	<b>160</b>	<b>18</b>	<b>12</b>	<b>40</b>	<b>276</b>	<b>73</b>	<b>1,025</b>	<b>551</b>	<b>467</b>	<b>7</b>
CRIMINAL	579	130	-	44	20	2	-	-	-	22	86	68	16	2
U.S. PRISONER PETITIONS	485	373	-	211	26	-	-	-	171	14	162	53	109	-
OTHER U.S. CIVIL	187	74	-	14	13	-	-	-	-	1	60	40	20	-
PRIV. PRISONER PETITIONS	647	483	-	194	29	1	8	40	105	11	289	51	236	2
OTHER PRIVATE CIVIL	1,106	450	-	72	55	-	3	-	-	14	378	297	78	3
BANKRUPTCY	65	25	-	11	9	1	1	-	-	-	14	11	3	-
ADMINISTRATIVE APPEALS	156	66	-	30	8	14	-	-	-	8	36	31	5	-
ORIGINAL PROCEEDINGS	36	3	-	3	-	-	-	-	-	3	-	-	-	-
<b>EIGHTH CIRCUIT</b>	<b>3,397</b>	<b>1,231</b>	-	<b>750</b>	<b>143</b>	<b>71</b>	<b>20</b>	-	<b>509</b>	<b>7</b>	<b>481</b>	<b>303</b>	<b>168</b>	<b>10</b>
CRIMINAL	651	98	-	44	23	18	2	-	-	1	54	51	3	-
U.S. PRISONER PETITIONS	374	275	-	266	8	2	2	-	254	-	9	6	3	-
OTHER U.S. CIVIL	315	70	-	18	10	4	4	-	-	-	52	38	13	1
PRIV. PRISONER PETITIONS	775	442	-	314	43	6	9	-	255	1	128	19	108	1
OTHER PRIVATE CIVIL	1,086	292	-	85	50	33	2	-	-	-	207	166	40	1
BANKRUPTCY	62	16	-	2	-	1	1	-	-	-	14	13	1	-
ADMINISTRATIVE APPEALS	105	36	-	20	9	7	-	-	-	4	16	10	-	6
ORIGINAL PROCEEDINGS	29	2	-	1	-	-	-	-	-	1	1	-	-	1
<b>NINTH CIRCUIT</b>	<b>8,425</b>	<b>3,735</b>	-	<b>1,689</b>	<b>531</b>	<b>45</b>	<b>11</b>	<b>70</b>	<b>800</b>	<b>232</b>	<b>2,046</b>	<b>1,381</b>	<b>618</b>	<b>47</b>
CRIMINAL	1,424	343	-	122	42	9	3	-	-	68	221	205	10	6
U.S. PRISONER PETITIONS	692	475	-	408	23	-	-	-	361	24	67	33	31	3
OTHER U.S. CIVIL	759	263	-	63	41	5	2	-	1	14	200	135	63	2
PRIV. PRISONER PETITIONS	1,668	1,072	-	701	162	2	3	70	438	26	371	182	185	4
OTHER PRIVATE CIVIL	2,432	1,106	-	253	185	25	3	-	-	40	853	663	183	7
BANKRUPTCY	300	137	-	26	15	2	-	-	-	9	111	82	27	2
ADMINISTRATIVE APPEALS	1,004	330	-	113	63	2	-	-	-	48	217	81	119	17
ORIGINAL PROCEEDINGS	146	9	-	3	-	-	-	-	-	3	6	-	-	6
<b>TENTH CIRCUIT</b>	<b>2,614</b>	<b>941</b>	-	<b>391</b>	<b>117</b>	<b>8</b>	<b>9</b>	<b>14</b>	<b>175</b>	<b>68</b>	<b>550</b>	<b>379</b>	<b>166</b>	<b>5</b>
CRIMINAL	567	87	-	22	15	-	-	-	-	7	65	61	3	1
U.S. PRISONER PETITIONS	305	149	-	86	11	1	2	-	67	5	63	17	46	-
OTHER U.S. CIVIL	278	74	-	28	14	2	1	-	-	11	46	39	7	-
PRIV. PRISONER PETITIONS	493	272	-	175	29	1	5	14	108	18	97	21	75	1
OTHER PRIVATE CIVIL	798	293	-	52	34	3	1	-	-	14	241	210	28	3
BANKRUPTCY	56	29	-	11	6	1	-	-	-	4	18	16	2	-
ADMINISTRATIVE APPEALS	80	36	-	16	8	-	-	-	-	8	20	15	5	-
ORIGINAL PROCEEDINGS	37	1	-	1	-	-	-	-	-	1	-	-	-	-

**Table B5-A. (September 30, 1998—Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated	Procedural Terminations												
		Total Proc. Terms.	Cross Appeals	By Judges							By Staff			
				Total	Juris. Defects	FRAP 42*	Default	CPC Denial	Cert. Appealability	Other	Total	FRAP 42*	Default	Other
<b>ELEVENTH CIRCUIT</b>	<b>6,428</b>	<b>3,146</b>	<b>30</b>	<b>1,775</b>	<b>366</b>	<b>514</b>	<b>30</b>	<b>235</b>	<b>381</b>	<b>249</b>	<b>1,341</b>	<b>325</b>	<b>989</b>	<b>27</b>
CRIMINAL	1,787	459	4	243	52	128	7	-	-	56	212	105	101	6
U.S. PRISONER PETITIONS	710	549	-	312	29	3	2	-	268	10	237	22	214	1
OTHER U.S. CIVIL	356	155	-	75	25	35	3	-	-	12	80	24	54	2
PRIV. PRISONER PETITIONS	1,259	859	-	475	98	11	3	235	113	15	384	40	336	8
OTHER PRIVATE CIVIL	1,871	832	23	444	120	302	14	-	-	8	365	119	240	6
BANKRUPTCY	132	77	3	47	13	28	1	-	-	5	27	1	26	-
ADMINISTRATIVE APPEALS	164	82	-	50	29	7	-	-	-	14	32	14	18	-
ORIGINAL PROCEEDINGS	149	133	-	129	-	-	-	-	-	129	4	-	-	4

NOTE: TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS. JURIS DEFECTS = JURISDICTIONAL DEFECTS. CPC = CERTIFICATE OF PROBABLE CAUSE. CERT. APPEALABILITY = CERTIFICATE OF APPEALABILITY. THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

\* VOLUNTARY DISMISSAL UNDER RULE 42(B), FEDERAL RULES OF APPELLATE PROCEDURE.