

**Table B-5.  
U.S. Courts of Appeals—Appeals Terminated on the Merits, by Circuit,  
During the 12-Month Period Ending September 30, 2002**

Circuit and Nature of Proceeding	Total Appeals Terminated <sup>1</sup>	Terminations on the Merits							Percent Reversed <sup>2</sup>
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
<b>ALL CIRCUITS</b>	<b>56,586</b>	<b>49.1</b>	<b>27,758</b>	<b>22,161</b>	<b>2,248</b>	<b>2,424</b>	<b>719</b>	<b>206</b>	<b>9.7</b>
CRIMINAL	11,695	68.2	7,978	6,619	696	462	182	19	5.8
U.S. PRISONER PETITIONS	6,399	27.8	1,777	1,374	192	161	40	10	9.1
OTHER U.S. CIVIL	3,393	60.8	2,062	1,689	98	216	49	10	10.5
PRIV. PRISONER PETITIONS	12,146	29.3	3,564	2,492	574	371	106	21	10.4
OTHER PRIVATE CIVIL	14,266	49.9	7,121	5,633	322	925	197	44	13.0
BANKRUPTCY	956	54.2	518	419	29	58	11	1	11.2
ADMINISTRATIVE APPEALS	3,523	39.0	1,374	697	260	182	134	101	13.2
ORIGINAL PROCEEDINGS <sup>3</sup>	4,208	79.9	3,364	3,238	77	49	-	-	-
<b>DISTRICT OF COLUMBIA</b>	<b>1,303</b>	<b>41.0</b>	<b>534</b>	<b>430</b>	<b>20</b>	<b>61</b>	<b>9</b>	<b>14</b>	<b>12.5</b>
CRIMINAL	72	59.7	43	33	2	4	3	1	9.3
U.S. PRISONER PETITIONS	153	37.9	58	50	1	4	-	2	6.9
OTHER U.S. CIVIL	268	61.6	165	139	1	16	3	6	9.7
PRIV. PRISONER PETITIONS	42	42.9	18	17	-	1	-	-	5.6
OTHER PRIVATE CIVIL	139	46.0	64	52	2	6	1	3	9.4
BANKRUPTCY	1	-	-	-	-	-	-	-	-
ADMINISTRATIVE APPEALS	548	25.4	139	94	11	30	2	2	21.6
ORIGINAL PROCEEDINGS <sup>3</sup>	80	58.8	47	44	3	-	-	-	-
<b>FIRST CIRCUIT</b>	<b>1,758</b>	<b>36.7</b>	<b>645</b>	<b>537</b>	<b>23</b>	<b>80</b>	<b>5</b>	<b>-</b>	<b>12.8</b>
CRIMINAL	673	29.1	196	173	4	19	-	-	9.7
U.S. PRISONER PETITIONS	199	21.1	42	32	4	5	1	-	11.9
OTHER U.S. CIVIL	97	49.5	48	39	1	8	-	-	16.7
PRIV. PRISONER PETITIONS	144	36.8	53	38	3	10	2	-	18.9
OTHER PRIVATE CIVIL	508	47.6	242	205	4	33	-	-	13.6
BANKRUPTCY	35	40.0	14	10	-	3	1	-	21.4
ADMINISTRATIVE APPEALS	63	33.3	21	15	4	1	1	-	4.8
ORIGINAL PROCEEDINGS <sup>3</sup>	39	74.4	29	25	3	1	-	-	-
<b>SECOND CIRCUIT</b>	<b>4,206</b>	<b>46.4</b>	<b>1,951</b>	<b>1,313</b>	<b>340</b>	<b>35</b>	<b>212</b>	<b>51</b>	<b>1.7</b>
CRIMINAL	717	61.1	438	365	28	4	38	3	0.9
U.S. PRISONER PETITIONS	297	19.2	57	26	22	1	5	3	1.8
OTHER U.S. CIVIL	249	53.0	132	78	37	1	15	1	0.8
PRIV. PRISONER PETITIONS	870	27.7	241	104	90	3	34	10	1.2
OTHER PRIVATE CIVIL	1,469	50.0	734	467	113	20	114	20	2.7
BANKRUPTCY	79	35.4	28	18	6	-	3	1	-
ADMINISTRATIVE APPEALS	224	33.0	74	27	31	-	3	13	-
ORIGINAL PROCEEDINGS <sup>3</sup>	301	82.1	247	228	13	6	-	-	-

Kimble v. Marvel Enterprises, Inc., No. 11-15605 archived on July 18, 2013

Table B-5. (September 30, 2002—Continued)

Circuit and Nature of Proceeding	Total Appeals Terminated <sup>1</sup>	Terminations on the Merits							
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	Percent Reversed <sup>2</sup>
<b>THIRD CIRCUIT</b>	<b>3,784</b>	<b>51.9</b>	<b>1,965</b>	<b>1,575</b>	<b>128</b>	<b>221</b>	<b>38</b>	<b>3</b>	<b>12.5</b>
CRIMINAL	609	74.4	453	394	18	34	5	2	7.5
U.S. PRISONER PETITIONS	436	37.6	164	113	26	18	6	1	11.0
OTHER U.S. CIVIL	251	72.9	183	148	8	20	7	-	10.9
PRIV. PRISONER PETITIONS	784	26.7	209	108	47	39	15	-	18.7
OTHER PRIVATE CIVIL	1,135	53.8	611	508	18	83	2	-	13.6
BANKRUPTCY	93	38.7	36	27	-	9	-	-	25.0
ADMINISTRATIVE APPEALS	200	39.0	78	57	5	13	3	-	16.7
ORIGINAL PROCEEDINGS <sup>3</sup>	276	83.7	231	220	6	5	-	-	-
<b>FOURTH CIRCUIT</b>	<b>5,074</b>	<b>51.8</b>	<b>2,628</b>	<b>2,316</b>	<b>135</b>	<b>142</b>	<b>31</b>	<b>4</b>	<b>6.0</b>
CRIMINAL	1,208	69.5	840	757	41	29	10	3	3.5
U.S. PRISONER PETITIONS	1,037	29.1	302	258	16	23	5	-	7.6
OTHER U.S. CIVIL	227	70.0	159	143	6	8	2	-	5.0
PRIV. PRISONER PETITIONS	1,072	33.6	360	290	44	23	2	1	6.4
OTHER PRIVATE CIVIL	973	56.0	544	473	18	47	7	-	8.6
BANKRUPTCY	73	56.2	41	38	-	3	-	-	7.3
ADMINISTRATIVE APPEALS	154	46.3	87	74	1	7	5	-	8.0
ORIGINAL PROCEEDINGS <sup>3</sup>	330	89.1	294	283	9	2	-	-	-
<b>FIFTH CIRCUIT</b>	<b>8,390</b>	<b>47.0</b>	<b>3,941</b>	<b>2,927</b>	<b>582</b>	<b>396</b>	<b>34</b>	<b>2</b>	<b>11.0</b>
CRIMINAL	2,104	72.1	1,517	1,131	280	91	14	1	6.0
U.S. PRISONER PETITIONS	737	23.7	175	117	39	18	1	-	10.3
OTHER U.S. CIVIL	327	54.1	177	133	21	21	2	-	11.9
PRIV. PRISONER PETITIONS	2,340	21.8	511	283	175	50	3	-	9.8
OTHER PRIVATE CIVIL	1,763	51.3	904	701	58	140	5	-	15.5
BANKRUPTCY	133	63.9	85	76	1	5	3	-	5.9
ADMINISTRATIVE APPEALS	299	43.1	129	61	2	59	6	1	45.7
ORIGINAL PROCEEDINGS <sup>3</sup>	687	64.5	443	425	6	12	-	-	-
<b>SIXTH CIRCUIT</b>	<b>4,878</b>	<b>53.4</b>	<b>2,605</b>	<b>2,344</b>	<b>40</b>	<b>212</b>	<b>8</b>	<b>1</b>	<b>9.9</b>
CRIMINAL	812	69.7	566	515	8	42	1	-	7.4
U.S. PRISONER PETITIONS	398	26.1	104	101	-	3	-	-	2.9
OTHER U.S. CIVIL	308	66.9	206	188	2	15	1	-	7.3
PRIV. PRISONER PETITIONS	1,221	36.9	451	407	-	40	3	1	8.9
OTHER PRIVATE CIVIL	1,346	51.7	696	589	6	100	1	-	14.4
BANKRUPTCY	70	64.3	45	36	3	6	-	-	13.3
ADMINISTRATIVE APPEALS	136	44.9	61	54	-	5	2	-	8.2
ORIGINAL PROCEEDINGS <sup>3</sup>	587	81.1	476	454	21	1	-	-	-

Kimble v. Marvel Enterprises, Inc., No. 11-15605 archived on July 18, 2013

**Table B-5. (September 30, 2002—Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated <sup>1</sup>	Terminations on the Merits							Percent Reversed <sup>2</sup>
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
<b>SEVENTH CIRCUIT</b>	<b>3,293</b>	<b>44.8</b>	<b>1,476</b>	<b>1,159</b>	<b>86</b>	<b>188</b>	<b>12</b>	<b>31</b>	<b>14.0</b>
CRIMINAL	541	63.2	342	231	79	25	2	5	7.3
U.S. PRISONER PETITIONS	379	30.1	114	81	1	29	-	3	25.4
OTHER U.S. CIVIL	170	58.8	100	81	1	13	2	3	13.0
PRIV. PRISONER PETITIONS	730	29.2	213	169	-	38	1	5	17.8
OTHER PRIVATE CIVIL	1,112	42.5	473	389	-	68	4	12	14.4
BANKRUPTCY	42	52.4	22	16	-	6	-	-	27.3
ADMINISTRATIVE APPEALS	130	40.8	53	40	1	6	3	3	11.3
ORIGINAL PROCEEDINGS <sup>3</sup>	189	84.1	159	152	4	3	-	-	-
<b>EIGHTH CIRCUIT</b>	<b>3,180</b>	<b>59.0</b>	<b>1,875</b>	<b>1,613</b>	<b>95</b>	<b>131</b>	<b>32</b>	<b>4</b>	<b>8.2</b>
CRIMINAL	612	75.2	460	404	20	29	7	-	6.3
U.S. PRISONER PETITIONS	433	34.9	151	134	9	6	2	-	4.0
OTHER U.S. CIVIL	172	71.5	123	105	5	10	3	-	8.1
PRIV. PRISONER PETITIONS	673	37.3	251	202	12	15	10	2	6.0
OTHER PRIVATE CIVIL	780	61.7	481	398	21	56	6	-	11.6
BANKRUPTCY	54	75.9	41	28	9	4	-	-	9.8
ADMINISTRATIVE APPEALS	121	59.5	61	32	15	8	4	2	13.1
ORIGINAL PROCEEDINGS <sup>3</sup>	335	91.6	307	300	4	3	-	-	-
<b>NINTH CIRCUIT</b>	<b>10,042</b>	<b>51.7</b>	<b>5,190</b>	<b>3,908</b>	<b>394</b>	<b>510</b>	<b>287</b>	<b>91</b>	<b>11.1</b>
CRIMINAL	1,917	70.7	1,355	1,053	132	89	80	1	6.6
U.S. PRISONER PETITIONS	703	30.6	215	171	11	19	13	1	8.8
OTHER U.S. CIVIL	754	56.9	429	349	9	60	11	-	14.0
PRIV. PRISONER PETITIONS	1,776	31.5	560	432	14	80	33	1	14.3
OTHER PRIVATE CIVIL	2,553	48.7	1,244	968	35	192	41	8	15.4
BANKRUPTCY	259	55.6	144	118	7	15	4	-	10.4
ADMINISTRATIVE APPEALS	1,383	41.9	579	165	182	47	105	80	8.1
ORIGINAL PROCEEDINGS <sup>3</sup>	697	95.3	664	652	4	8	-	-	-
<b>TENTH CIRCUIT</b>	<b>2,543</b>	<b>53.7</b>	<b>1,365</b>	<b>1,039</b>	<b>161</b>	<b>128</b>	<b>36</b>	<b>1</b>	<b>10.2</b>
CRIMINAL	456	78.1	356	284	34	21	17	-	5.9
U.S. PRISONER PETITIONS	322	47.2	152	90	48	10	4	-	6.6
OTHER U.S. CIVIL	172	65.7	113	91	3	17	2	-	15.0
PRIV. PRISONER PETITIONS	580	41.0	238	159	54	21	3	1	8.8
OTHER PRIVATE CIVIL	688	45.2	311	234	16	51	10	-	16.4
BANKRUPTCY	35	60.0	21	18	1	2	-	-	9.5
ADMINISTRATIVE APPEALS	70	42.9	30	25	3	2	-	-	6.7
ORIGINAL PROCEEDINGS <sup>3</sup>	220	65.5	144	138	2	4	-	-	-

*Kimble v. Marvel Enterprises, Inc.* No. 11-15605 archived on July 18, 2013

**Table B-5. (September 30, 2002—Continued)**

Circuit and Nature of Proceeding	Total Appeals Terminated <sup>1</sup>	Terminations on the Merits							Percent Reversed <sup>2</sup>
		Percent of Total Terminations	Total	Affirmed/Enforced	Dismissed	Reversed	Remanded	Other	
<b>ELEVENTH CIRCUIT</b>	<b>8,135</b>	<b>44.0</b>	<b>3,583</b>	<b>3,000</b>	<b>244</b>	<b>320</b>	<b>15</b>	<b>4</b>	<b>9.7</b>
CRIMINAL	1,974	71.5	1,412	1,279	50	75	5	3	5.3
U.S. PRISONER PETITIONS	1,305	18.6	243	200	15	25	3	-	10.3
OTHER U.S. CIVIL	398	57.0	227	195	4	27	1	-	11.9
PRIV. PRISONER PETITIONS	1,914	24.0	459	273	135	51	-	-	11.1
OTHER PRIVATE CIVIL	1,800	45.3	816	649	31	129	6	1	15.8
BANKRUPTCY	82	50.0	41	34	2	5	-	-	12.2
ADMINISTRATIVE APPEALS	195	31.8	62	53	5	4	-	-	6.5
ORIGINAL PROCEEDINGS <sup>3</sup>	467	69.2	323	317	2	4	-	-	-

NOTE: THIS TABLE DOES NOT INCLUDE DATA FOR THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

<sup>1</sup>TOTALS INCLUDE REOPENED, REMANDED, AND REINSTATED APPEALS AS WELL AS ORIGINAL APPEALS.

<sup>2</sup>PERCENT NOT SHOWN WHERE THE TOTAL NUMBER OF CASES TERMINATED ON THE MERITS IS LESS THAN 10. NO PERCENTAGES OF CASES REVERSED OR DENIED HAVE BEEN COMPUTED FOR ORIGINAL PROCEEDINGS BECAUSE OF THEIR DIFFERENCE FROM APPEALS, NOR HAVE THEY BEEN INCLUDED IN THE PERCENTAGE OF TOTAL APPEALS REVERSED.

<sup>3</sup>BEGINNING OCTOBER 1, 1998, DATA ARE REPORTED FOR TYPES OF PROCEEDINGS PREVIOUSLY NOT PRESENTED IN THIS TABLE.

*Kimble v. Marvel Enterprises, Inc., No. 11-15605 archived on July 18, 2013*