

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

FILED

FEB 15 2008

CATHY A. CATTERSON, CLERK
U. S. COURT OF APPEALS

IN RE COMPLAINT OF

JUDICIAL MISCONDUCT

No. 07-89062

ORDER

Before: **KOZINSKI**, Chief Judge, **THOMPSON**, **THOMAS**, **GRABER**,
McKEOWN and **BERZON**, Circuit Judges, and **GONZALEZ**,
HATTER, **LASNIK**, **MOLLOY** and **STOTLER**, District Judges.

Pursuant to Chapter III of the Rules of the Judicial Council Governing
Complaints of Judicial Misconduct or Disability under 28 U.S.C. § 352(c),
complainant has filed a petition for review of the order of the former chief judge
entered on November 30, 2007, dismissing the complaint against a circuit judge.

We have carefully reviewed the record and find no basis for overturning the
order of dismissal. There is no evidence that the judge knowingly participated in
consideration of complainant's habeas petition, and any prejudice complainant
may have suffered as a result of that participation was cured when the case was
referred to another panel for de novo consideration. As to the claims that the
judge influenced an investigator to act adversely to complainant, and that the
judge and investigator conspired to deny complainant his rights, complainant
provided no objectively verifiable proof to support those allegations. Conclusory

charges that are wholly unsupported by evidence will be dismissed. 28 U.S.C. §
352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

AFFIRMED.