

JAN 15 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 07-89132
ORDER

Before: **THOMPSON, THOMAS, GRABER, MCKEOWN** and
RAWLINSON, Circuit Judges, **GONZALEZ, LASNIK, STOTLER**
and **WHALEY**, Chief District Judges, and **HATTER**, District Judge

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 Chief Judge entered
on October 1, 2008, dismissing the complaint against a district judge and a
magistrate judge of this circuit.

We have carefully reviewed the record and the authorities cited by the Chief
Judge in his order of dismissal. We conclude there is no basis for overturning the
order of dismissal.

For the reasons stated by the Chief Judge and based upon the controlling
authority cited in support thereof, we affirm.