

AUG 04 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 07-89149
ORDER

Before: **THOMPSON, THOMAS, and MCKEOWN**, 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 Chief Judge entered
on May 1, 2008, concluding the complaint against a district judge of this circuit
under 28 U.S.C. § 352(b)(2).

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

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

*Hon. Susan P. Graber did not participate in the consideration of this matter.

*Hon. Marsha S. Berzon did not participate in the consideration of this matter.