

AUG 19 2008

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 08-89000

**ORDER**

Before: **THOMPSON, THOMAS, and MCKEOWN** Circuit Judges, and **GONZALEZ, HATTER, LASNIK, MOLLOY** and **STOTLER**, District Judges.\*

The Judicial Council of the Ninth Circuit (“Council”) has examined this complaint to determine whether it relates sufficiently to the matters identified in complaint No. 08-90035 to warrant transfer to the Judicial Council of the Third Circuit (“Third Circuit Council”) pursuant to the transfer order entered by the Council in 08-90035. The central issues involved in this complaint are directly related to previous complaint No. 05-89098, and the enforcement of the order issued in that case. Therefore, the Council has determined that exceptional circumstances do not exist, and it is inappropriate to transfer this complaint to the Third Circuit Council. However, because the decision by the Third Circuit Council could potentially affect some collateral aspects of the complaint, the Council directs that all proceedings on this complaint be stayed pending the issuance of a final order by the Third Circuit Council in complaint No. 08-90035.

\*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.