

AUG 17 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 08-90132 and 08-90134
ORDER

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

Pursuant to Article V of the Rules for Judicial-Conduct and Judicial-Disability Proceedings under 28 U.S.C. § 352(c), complainant has filed a petition for review of the order of the Chief Judge entered on May 22, 2009, dismissing the complaint against a magistrate judge and a district 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.

*Hon. Audrey B. Collins did not participate in the consideration of this matter.