

AUG 18 2009

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 08-90142 and 08-90143  
**ORDER**

Before: **THOMPSON, THOMAS, GRABER, MCKEOWN** and  
**RAWLINSON**, Circuit Judges, **A. COLLINS, 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 June 3, 2009, 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.