

FILED

AUG 21 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-90196

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint and a supplement have been filed against a district judge. The subject judge presided over complainant's state criminal proceedings prior to joining the federal bench.

Complainant's allegations concern solely the judge's actions prior to becoming a federal judge and must therefore be dismissed. See 28 U.S.C. §§ 351(a) and (d)(1); Judicial-Conduct Rules 4 and 11(c)(1)(G); In re Complaint of Judicial Misconduct, 570 F.3d 1144, 1144 (9th Cir. Jud. Council 2009).

DISMISSED.