

MAR 25 2010

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 09-90078 and 09-90079  
**ORDER**

Before: **KOZINSKI**, Chief Judge, **HUG**, **THOMAS**, **MCKEOWN**,  
**GOULD**, and **RAWLINSON**, Circuit Judges, **GONZALEZ** and  
**HUNT**, 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 January 26, 2010, 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.

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