

JUN 17 2010

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90182
ORDER

Before: **KOZINSKI**, Chief Judge, **HUG**, **THOMAS**, **MCKEOWN**,
GOULD, and **RAWLINSON**, Circuit Judges, **A. COLLINS**,
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 April 13, 2010, dismissing the complaint against 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 also note complainant's clarification of the timing of the filing of the habeas petition, but this does not change the result. 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.