

MAR 16 2011

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90239
ORDER

Before: **KOZINSKI**, Chief Judge, **HUG**, **THOMAS**, **FISHER**, **GOULD**,
and **RAWLINSON**, Circuit Judges, **A. COLLINS**, **HUNT** and
WARE, Chief District Judges, and **WHALEY**, District Judge*

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 December 28, 2010, dismissing the complaint against 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. Stephen M. McNamee did not participate in the consideration of this matter.