

JAN 11 2010

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

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT

No. 09-90071  
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 November 10, 2009,  
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 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.