

FILED

OCT 09 2009

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90077

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a circuit judge. Complainant, a member of the public, alleges that the judge committed misconduct before joining the federal bench. Because complainant's allegations concern the judge's actions prior to becoming a federal judge, they are not cognizable under the laws governing judicial misconduct proceedings and must therefore be dismissed. See 28 U.S.C. § 351(a), (d)(1); Judicial-Conduct Rules 4, 11(c)(1)(G); In re Complaint of Judicial Misconduct, 570 F.3d 1144, 1144 (9th Cir. Jud. Council 2009).

DISMISSED.