

FILED

MAY 13 2013

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 12-90026 and 12-90032

ORDER

Before: **KOZINSKI**, Chief Judge, **WALLACE**, **FISHER** and **CLIFTON**, Circuit Judges, **BEISTLINE**, **KING** and **WILKEN**, Chief District Judges, and **ISHII** and **McNAMEE**, District Judges¹

The Judicial Council's March 15, 2013 Order and Memorandum is vacated as moot pending further Order of the Council. In light of Judge Cebull's May 3, 2013 retirement, pursuant to 28 U.S.C. § 371(a), and the resulting change of circumstances, the Council will consider appropriate revisions to the Order and Memorandum at its next meeting, scheduled for June 28, 2013.

¹ Hon. Sidney R. Thomas and Richard C. Tallman did not participate in the consideration of this matter.