

SEP 20 2012

JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT

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

IN RE COMPLAINT OF  
  
JUDICIAL MISCONDUCT

No. 12-90058  
ORDER

Before: **KOZINSKI**, Chief Judge, **HUG**, **THOMAS**, **FISHER**, **GOULD**,  
and **CLIFTON**, Circuit Judges, **BEISTLINE**, **A. COLLINS**, and  
**WILKEN**, Chief District Judges, and **HUNT** and **McNAMEE**,  
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 July 23, 2012, 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.

In the petition for review, for the first time, complainant alleges that the judge favored defendants, had ex parte communications with the defendants' attorneys, and made a hostile statement about pro se litigants during a hearing. The Judicial Council will not consider new allegations or evidence not included within the misconduct complaint for which review is sought. Complainant may file a new

judicial misconduct complaint that complies with Rule 6(b) of the Rules for Judicial Conduct and Judicial Disability Proceedings.

For the reasons stated by the Chief Judge and based upon the controlling authority cited in support thereof, we affirm.