

FILED

MAY 29 2015

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 14-90095

ORDER

Before: **THOMAS**, Chief Judge, **WALLACE**, **PAEZ**, **TALLMAN**,
CALLAHAN and **MURGUIA**, Circuit Judges, **R. COLLINS**, **KING**
and **WINMILL**, Chief District Judges, and **ILLSTON** and **ISHII**,
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 March 23, 2015, dismissing the complaint against a district judge of this circuit.

In the petition for review, for the first time, complainant alleges that the judge committed “fraud” in his rulings in complainant’s habeas case. The Judicial Council will not consider new allegations or evidence not included within the misconduct complaint for which review is sought. Even if the Judicial Council did consider this new allegation, complainant provides no evidence for his fraud claim. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

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.