

FILED

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 19-90038 and 19-90039

ORDER

Before: **BYBEE, IKUTA, MURGUIA** and **CHRISTEN**, Circuit Judges,
PHILLIPS, HAMILTON, MARTINEZ and **SEABRIGHT**, Chief
District Judges, and **LEW**, District Judge

Pursuant to Article VI 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 June 20, 2019, dismissing the complaints against two district judges of this circuit.

The petition alleges in part that the Chief Judge’s dismissal order should be set aside because it misstates pertinent facts. Specifically, the dismissal order states that a limited inquiry revealed that “one of the judges alerted the United States Marshals” about complainant’s prior conviction and “[t]he Marshals’ office then advised the complainant’s agency.” Complainant asserts that a letter from the agency, attached as an exhibit to his complaint, indicates that one of the subject judges, rather than a United States Marshal, personally contacted the agency. We need not resolve this factual issue, however, because even assuming the judge

contacted the agency directly, a judge's decision to share his courthouse security concerns with complainant's employing agency does not constitute judicial misconduct. See In re Complaint of Judicial Misconduct, 906 F.3d 1167, 1169 (9th Cir. Jud. Council 2018) ("judges are allowed great latitude in decisions about courtroom security").

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.