

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**

No. 19-90112

ORDER

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

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 September 23, 2019, dismissing the complaint against a magistrate 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. As for complainant's requests that the Judicial Council take action with regard to discovery in his civil matter, the Judicial Council is not a court and therefore does not have the power to issue orders in the underlying case. See 28 U.S.C. § 354; In re Complaint of Judicial Misconduct, 631 F.3d 961, 962 (9th Cir. Jud. Council 2011).

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