

OCT 02 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 07-89136
ORDER

Before: **THOMPSON, THOMAS, GRABER, MCKEOWN and BERZON**,
Circuit Judges, and **GONZALEZ, HATTER, LASNIK, MOLLOY**
and **STOTLER**, District Judges.

Pursuant to Chapter III of the Rules of the Judicial Council Governing
Complaints of Judicial Misconduct or Disability under 28 U.S.C. § 352(c),
complainant has filed a petition for review of the order of the Chief Judge entered
on August 18, 2008, 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. The record shows that while petitioner claims he mailed a
petition to proceed in forma pauperis, none was filed/submitted.

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