

**FILED**

MAR 18 2009

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 08-89034  
**ORDER**

Before: **THOMPSON, THOMAS, GRABER, MCKEOWN** and  
**RAWLINSON**, Circuit Judges, **A. COLLINS, GONZALEZ,**  
**LASNIK** and **WHALEY**, Chief District Judges, and **HATTER**,  
District Judge

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 December 5, 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.

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