

FILED

OCT 01 2008

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

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 08-89038

ORDER

KOZINSKI, Chief Judge:

A complaint of misconduct has been filed against a district judge.

Complainant, a pro se prisoner, filed a petition for a writ of habeas corpus. The subject judge was assigned to the matter.

Complainant alleges that the judge unduly delayed and failed to rule on his amended petition and numerous pending motions. The judge addressed the amended petition and motions in an order dated before this complaint was filed. Intervening events therefore make action on the complaint unnecessary. See 28 U.S.C. § 352(b)(2).

CONCLUDED.