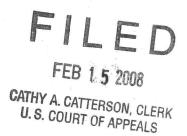
JUDICIAL COUNCIL OF THE NINTH CIRCUIT



IN RE COMPLAINT OF

JUDICIAL MISCONDUCT

No. 07-89062

ORDER

Before:

KOZINSKI, Chief Judge, 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 former chief judge entered on November 30, 2007, dismissing the complaint against a circuit judge.

We have carefully reviewed the record and find no basis for overturning the order of dismissal. There is no evidence that the judge knowingly participated in consideration of complainant's habeas petition, and any prejudice complainant may have suffered as a result of that participation was cured when the case was referred to another panel for de novo consideration. As to the claims that the judge influenced an investigator to act adversely to complainant, and that the judge and investigator conspired to deny complainant his rights, complainant provided no objectively verifiable proof to support those allegations. Conclusory

charges that are wholly unsupported by evidence will be dismissed. 28 U.S.C. § 352(b)(1)(A)(iii); Misconduct Rule 4(c)(3).

AFFIRMED.