

AUG 04 2008

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

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

No. 07-89149  
**ORDER**

Before: **THOMPSON, THOMAS, and MCKEOWN**, 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 May 1, 2008, concluding the complaint against a district judge of this circuit  
under 28 U.S.C. § 352(b)(2).

We have carefully reviewed the record and the authorities cited by the  
Chief Judge in his order concluding the complaint. We conclude there is no basis  
for overturning the order.

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

\*Hon. Susan P. Graber did not participate in the consideration of this matter.

\*Hon. Marsha S. Berzon did not participate in the consideration of this matter.