

JUL 08 2008

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

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 08-89011
ORDER

Before: **THOMPSON, THOMAS, GRABER** and **MCKEOWN**, Circuit Judges, and **GONZALEZ, HATTER, LASNIK** and **MOLLOY**, 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, dismissing the complaint against a district 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.

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

*Hon. Alicemarie H. Stotler did not participate in the consideration of this matter.