

FOR PUBLICATION

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 12-90162

ORDER

Filed September 26, 2014

Before: Alex Kozinski, Chief Judge, J. Clifford Wallace, Sidney R. Thomas, Richard A. Paez, Richard C. Tallman and Richard R. Clifton, Circuit Judges, Ralph R. Beistline, Raner C. Collins and George H. King, Chief District Judges, and Susan Illston and Anthony W. Ishii, District Judges

ORDER

Pursuant to Article V of the Rules for Judicial-Conduct and Judicial-Disability Proceedings under 28 U.S.C. § 352(c), complainant has filed a petition for review of the order of the Chief Judge entered on May 23, 2014, 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.

WALLACE, Senior Circuit Judge, concurring:

Chief Judge Kozinski stated in his order that it “is the JCUS Committee [on Financial Disclosure] that has jurisdiction to review and approve these financial disclosure reports.” I write separately to emphasize that 5 U.S.C. § 106(b)(1) provides that this JCUS Committee, as the body designated by the Judicial Conference to review financial disclosure reports, also signs the reports if the committee determines that the judge’s submission is in compliance with applicable laws and regulations. But even if the JCUS Committee makes such a finding and signs a report, there should be no misunderstanding that the Judicial Conduct and Disability Act would still apply if a chief judge is presented with evidence of misconduct with regard to a judge’s financial disclosure requirements. In other words, a signing or approval by the JCUS Committee does not restrict or bar an inquiry into a judge’s financial disclosure report when a complainant presents evidence of fraud or bad faith. Because there was no evidence of such misconduct in this case, I agree that we should affirm the decision of the Chief Judge.