

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUTRicci, *et al*,
Plaintiff,

v.

DeStefano, *et al*,
Defendant.

Civil No. 3:04cv1109 (JBA)

March 12, 2010

ORDER FOR RANDOM ASSIGNMENT OF MOTION

Plaintiffs have moved for recusal of the undersigned under 28 U.S.C. § 455(a): “Any justice, judge or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” Plaintiffs claim no actual bias or partiality, or any conflict of interest.

Section 455(a) “establishes an objective standard designed to promote public confidence in the impartiality of the judicial process.” *In re Drexel Burnham Lambert, Inc.*, 861 F.2d 1307, 1313 (2d Cir. 1988). Because “the judge presiding over a case is in the best position to appreciate the implications of those matters alleged in a recusal motion” *id.* at 1312, Section 455(a) anticipates that the judge whose recusal is sought will “in the first instance [] determine whether to disqualify [her]self.” Here, the Court has already evaluated matters brought to its attention by Plaintiffs’ counsel, and after “carefully weighing the policy of promoting public confidence in the judiciary against the possibility that those questioning [the presiding judge’s] impartiality might be seeking to avoid the adverse consequences of [her] presiding over the case,” *id.* at 1312, found recusal unwarranted (Feb. 4, 2010 Oral Arg. Trans. [Doc. # 223]). Therefore, in the interests of justice, the determination of whether “a reasonable person knowing and understanding all the relevant

