

# MANDATE

D. Conn.  
04-cv-1109  
Arterton, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 8<sup>th</sup> day of June, two thousand eleven,

Present:

Roger J. Miner,  
Gerard E. Lynch,  
Raymond J. Lohier, Jr.,  
*Circuit Judges.*

Frank Ricci, *et al.*,

*Petitioners,*

v.

11-703-op

John DeStefano, *et al.*,

*Respondents.*

Petitioners seek a writ of mandamus directing the district court to reinstate certain of their claims below and directing the reassignment of the case to a different district judge. However, Petitioners have not demonstrated that exceptional circumstances warrant the requested relief, *see In re von Bulow*, 828 F.2d 94, 96 (2d Cir. 1987), because, as is generally true of plaintiffs some of whose causes of action have been dismissed while others proceed to trial, their ability to appeal from the final judgment in the case is an adequate remedy. Accordingly, is hereby ORDERED that the mandamus petition is DENIED. It is further ORDERED that Petitioners' motion to stay the district court proceedings pending resolution of the mandamus petition is DENIED as moot.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

 

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 

MANDATE ISSUED ON 07/06/2011