

ELECTRONICALLY FILED  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 TWANA ADAMS  
 et al.,

Plaintiffs,

- against -

NEW YORK STATE DEPARTMENT  
 OF EDUCATION et al.,

Defendants.

-----X  
**VICTOR MARRERO, United States District Judge.**

08 Civ. 5996 (VM)

**ORDER**

On September 10, 2009, the Court held a hearing on the plaintiffs' motion pursuant to 28 U.S.C. § 144 to terminate the referral of this action to Magistrate Judge Andrew Peck for supervision of pretrial proceedings. The Court noted at the conference the extensive procedural history of this case. Upon review of the plaintiffs' written submissions, the transcripts of proceedings before Magistrate Judge Peck, the parties' statements at the hearing, and other matters of record in this action, and considering the totality of the circumstances surrounding this litigation, the Court is not persuaded that Magistrate Judge Peck's conduct in this case has departed from acceptable judicial standards so as to warrant a finding that he has demonstrated personal bias or prejudice against the plaintiffs or in favor of the defendants during the course of his supervision of pretrial proceedings herein. Accordingly, it is hereby

**ORDERED** that plaintiffs' motion pursuant to 28 U.S.c. §

144 (Docket No. 139) to terminate the referral of this action to Magistrate Judge Peck is DENIED.

**SO ORDERED.**

Dated: New York, New York  
11 September 2009

A handwritten signature in black ink, consisting of several large, sweeping loops and a long horizontal stroke at the end.

Victor Marrero  
U.S.D.J.