

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 1/7/09

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

Plaintiffs, :

08 Civ. 5996 (VM) (AJP)

-against- :

**REPORT AND RECOMMENDATION**

NEW YORK STATE EDUCATION  
DEPARTMENT, et al., :

Defendants. :

----- X  
**ANDREW J. PECK, United States Magistrate Judge:**

**To the Honorable Victor Marrero, United States District Judge:**

By Order to Show Cause dated December 11, 2008, I directed all the pro se plaintiffs to attend a conference on January 7, 2009 at 10:00 a.m. The Order further provided that: "Any plaintiff who fails to attend will face monetary sanctions and/or the dismissal of their action."

The following plaintiffs failed to appear at today's hearing:

- Olga Batyreva\*
- Jaime Castro
- Jacqueline Sawyer\*
- Alex Schreiber
- Gilda Teel (who is deceased)

\* In addition, plaintiffs Batyreva and Sawyer never responded to the Court's prior Order to Show Cause of December 5, 2008.

H:\OPIN\

Accordingly, I recommend that the claims of these five defendants be dismissed for failure to obey Court orders and for failure to prosecute their action.

**FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION**

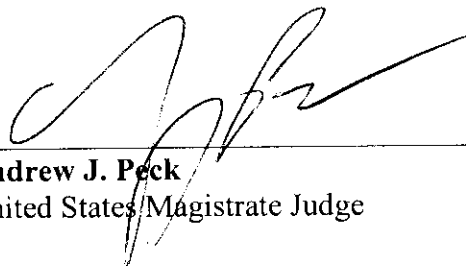
Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Victor Marrero, 500 Pearl Street, Room 660, and to my chambers, 500 Pearl Street, Room 1370. Any requests for an extension of time for filing objections must be directed to Judge Marrero (with a courtesy copy to my chambers). Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985); IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993), cert. denied, 513 U.S. 822, 115 S. Ct. 86 (1994); Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993); Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038, 113 S. Ct. 825 (1992); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989); Wesolek v. Canadair Ltd., 838 F.2d 55, 57-59 (2d Cir. 1988); McCarthy

v. Manson, 714 F.2d 234, 237-38 (2d Cir. 1983); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a),

6(d).

Dated: New York, New York  
January 7, 2009

Respectfully submitted,



---

**Andrew J. Peck**  
United States Magistrate Judge

Copies **by fax & ECF** to: Edward D. Fagan, Esq.  
Blanche Greenfield, Esq.  
Karen Anne Dahlberg, Esq.  
Gregg D. Weinstock, Esq.  
Frank Davis, Esq.  
All Pro Se Plaintiffs (via email)  
Judge Victor Marrero