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TWANA ADAMS, et al., :  
 :  
 Plaintiffs, :  
 :  
 -against- :  
 :  
 NEW YORK STATE EDUCATION :  
 DEPARTMENT, et al., :  
 :  
 Defendants. :  
 :  
----- X

08 Civ. 5996 (VM) (AJP)

**ORDER**

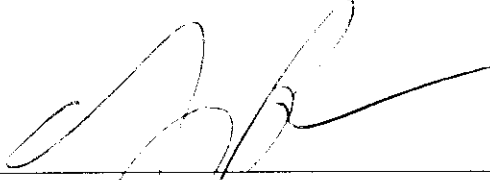
**ANDREW J. PECK, United States Magistrate Judge:**

By Report and Recommendation dated February 9, 2009, I recommended that the Court dismiss the claims of two plaintiffs, Olga Batyreva and Alena Radtke-Gabriel, with prejudice. Today, I received a fax from Ms. Radtke-Gabriel voluntarily dismissing her case without prejudice (see attached letter). Accordingly, on consent, the Court dismisses Ms. Radtke-Gabriel's claims without prejudice.

My February 9, 2009 Report and Recommendation to dismiss plaintiff Olga Batyreva's claims with prejudice remains.

SO ORDERED.

Dated: New York, New York  
February 10, 2009

  
\_\_\_\_\_  
Andrew J. Peck  
United States Magistrate Judge

Copies to: All Pro Se Plaintiffs (via Email)  
Blanche Greenfield, Esq. (Fax)  
Karen Anne Dahlberg, Esq. (Fax)  
Judge Victor Marrero

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Twana Adams et al,	:	Civil Action #
	Plaintiffs	08-cv-5996 (VM)(AJP)
v.	:	
	:	
New York State Education Department et al,	:	
	:	
	Defendants.	
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**Voluntary Dismissal Without Prejudice, pursuant to FRCP 41 (a) (1) (A) (i),  
of Alena Radke Gabriel of the Allegations in the October 2008 Amended Complaint**

I hereby voluntarily dismiss the claims in the October 2008 Amended Complaint in accordance with the terms of FRCP 41 (a)(1)(A)(i), and without prejudice, as against all Defendants, none of whom/which have filed answers and/or Motions for Summary Judgment.

Dated: February 18, 2009

1/s/ Alena Radke-Gabriel  
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