

S.D.N.Y.-N.Y.C.
11-cv-1279
Carter, J.
Peck, M.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 Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10th day of April, two thousand thirteen.

Present:

John M. Walker, Jr.,
Denny Chin,
Circuit Judges,
Jane A. Restani,^{*}
Judge, U.S. Court of International Trade.

In re Monique Da Silva Moore, *et al.*

Monique Da Silva Moore, on behalf of herself and
all others similarly situated, *et al.*,

Petitioners,

v.

12-5020

Publicis Groupe SA, MSLGroup,

Respondents.

Petitioners, through counsel, petition this Court for a writ of mandamus compelling the recusal of Magistrate Judge Andrew J. Peck. Upon due consideration, it is hereby ORDERED that the

^{*}Judge Jane A. Restani, of the United States Court of International Trade, sitting by designation.

mandamus petition is DENIED because Petitioners have not “clearly and indisputably demonstrate[d] that [Magistrate Judge Peck] abused [his] discretion” in denying their district court recusal motion, *In re Basciano*, 542 F. 3d 950, 956 (2d Cir. 2008) (internal quotation marks omitted) (quoting *In re Drexel Burnham Lambert Inc.*, 861 F.2d 1307, 1312-13 (2d Cir. 1988)), or that the district court erred in overruling their objection to that decision.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is the official seal of the United States Second Circuit Court of Appeals. The seal is circular with a red outer ring containing the text "UNITED STATES" at the top and "SECOND CIRCUIT" at the bottom, separated by two small stars. The center of the seal is blue and contains the text "COURT OF APPEALS".