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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

<sup>m</sup>  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
APR 10 1981

JOSEPH McELROY, JR., CLERK  
BY Barbara Whaley  
Deputy

EDDIE MITCHELL TASBY, ET AL.

Plaintiffs

v.

DR. NOLAN ESTES, GENERAL  
SUPERINTENDENT, DALLAS  
INDEPENDENT SCHOOL DISTRICT,  
ET AL.

Defendants

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CIVIL ACTION NO. 3-4211-H

O R D E R

The Court has reviewed the letter of Intervenor NAACP, dated April 3, 1981, received and filed April 8, 1981, relating to the Court's possible disqualification in this case. The NAACP first raised this matter in a press interview. See Dallas Times Herald, March 22, 1981.

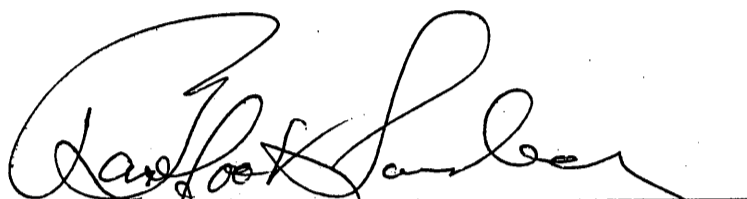
The Court finds that it is not disqualified. In reaching this decision the Court is guided by controlling legal principles which emphasize that judicial disqualification is not favored. See Phillips v. Legislative Committee, 637 F.2d 1014 (5th Cir. 1981); Corrugated Container, v. Mead Corp., 614 F.2d 958 (5th Cir. 1980). See also 3 Blackstone Commentaries \*361: "The law will not suppose a possibility of bias or favor in a judge, who is already sworn to administer impartial justice."

The Court is required by law and practice to decide the question of its own disqualification once the issue is raised. 637 F.2d at 1021. The Court notes, and counsel are aware, that this litigation was assigned to the Court by lot and not as some kind of prize or award of merit. The Court is obligated by oath of office to handle this case, as any other case on its docket, fairly and objectively, with reasonable dispatch, and with appropriate regard for the complexity and sensitivity of the issues involved.

This case is set for Non Jury Trial at 9:30 A.M., Monday, April 27, 1981. The Court will recess at noon, Friday, May 1 until 10:00 A.M., Wednesday, May 6, to attend the Fifth Circuit Judicial Conference.

SO ORDERED.

DATED: April 10, 1981.



BAREFOOT SANDERS  
UNITED STATES DISTRICT JUDGE