

SIGNED.



Dated: December 22, 2010

James M. Marlara
JAMES M. MARLAR
Chief Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:) Chapter 13
EDUARDO CASTRO,) No. 0:09-bk-00408-JMM
) **MEMORANDUM DECISION AND ORDER**
Debtor.)

The Debtor has filed a motion which asks this court to approve a pre-nuptial agreement between the Debtor and his fiancé (ECF No. 94). This case is now two years old (filed January 9, 2009). Yet, no plan has been confirmed. The case languishes.

In over 40 years of practice in the bankruptcy courts, this court had, until now, believed it had seen just about everything. However, never in its memory can it recall ever having seen, read about, or ruled upon a motion such as this. Traditionally, domestic relations issues are deferred to the state courts.

Unless and until Debtor's counsel can cite to specific statutory authority, as well as case law, which confers authority upon the bankruptcy court, in a Chapter 13 case, to "approve" or otherwise sanction or bless a pre-nuptial agreement, the court has no choice but to deny the motion.

IT IS ORDERED DENYING the motion, without prejudice.

IT IS FURTHER ORDERED that the Debtor either obtain a stipulated confirmation of his Chapter 13 plan within 60 days, or the Trustee shall lodge an order of dismissal.

DATED AND SIGNED ABOVE.

1 COPIES to be sent by the Bankruptcy Notification
Center ("BNC") to the following:

2 Robert Cook, Attorney for Debtor
3 Chapter 13 Trustee
4 Office of the U.S. Trustee

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