

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:

**JAMES E. LUNDEEN, SR., M.D.,
Defendant.**

Case No. 2:09-cv-641

JUDGE EDMUND A. SARGUS, JR.

ORDER

This matter came before the Court for consideration of Defendant's motion to withdraw reference. (Document 1.) Defendant urges this Court to withdraw the reference of this case to the bankruptcy court under 28 U.S.C. § 157(d), which provides:

The district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

28 U.S.C. § 157(d). Defendant does not contend that resolution of the proceeding requires consideration of both Title 11 and other laws, but rather complains that the case constitutes a "procedural morass," the "federal judiciary is under staffed," and the bankruptcy court "has demonstrated . . . [a] serious . . . misunderstanding of [the] case."

The Court has no doubt that the bankruptcy court is capable of handling this case. Moreover, if Defendant is not satisfied with the decisions of the bankruptcy court, he is free to pursue an appeal on the merits. The Court declines to withdraw this case under 28 U.S.C. § 157(d).

Defendant's Motion (Document 1) is hereby **DENIED**.

IT IS SO ORDERED.

8-6-2009
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE