

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7202
Summary Calendar

IN THE MATTER OF: GLORIA JEAN R. DVORAK, ET AL.,
Debtors.

GLORIA JEAN R. DVORAK,
Appellant,

versus

BARBARA H. FRITZ,
Appellee.

Appeal from the United States District Court for
the Southern District of Texas
CA V 89 18

April 29, 1993
Before REAVLEY, JONES and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:¹

Gloria Jean Dvorak appeals the district court's affirmation of the bankruptcy court's determination that attorney's fees incurred by her ex-husband during the custody battle over their daughter, which she was then ordered to pay by the custodial

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

court, are a non-dischargeable debt under Chapter 7 of the Bankruptcy Code.

This case involves the same parties and raises the same legal issue recently addressed by this court in *In re Dvorak*, No. 92-7203, slip op. at 3007 (5th Cir. Mar. 26, 1993), with which this case should have been consolidated prior to appellate disposition. The *In re Dvorak* court held, and we are bound to follow, that Ms. Dvorak's "court-ordered obligation to pay fees charged by [her ex-husband's attorney] Barbara Fritz and a portion of fees charged by Roland Carlson as guardian ad litem is non-dischargeable." *Id.* at 3008.

AFFIRMED.