

regarding the status of her marriage. This Court is constitutionally prohibited from issuing such advisory opinions. See Flast v. Cohen, 392 U.S. 83, 95 (1968) (limiting the business of the federal courts “to questions presented in an adversary context and in a form historically viewed as capable of resolution through the judicial process”); Overseas Military Sales Corp., Ltd. v. Giralt-Armada, 503 F.3d 12, 16-17 (1st Cir. 2007). Even if a more complete record allowed the Court to find an actual case or controversy, federal courts traditionally abstain from “matrimonial matters best left to the states,” even when confronted with ostensible constitutional claims. Hernstadt v. Hernstadt, 373 F.2d 316, 318 (2d Cir. 1967); see also Elk Grove Unified Sch. Dist. v. Newdow, 542 U.S. 1, 13 (2004). Finally, it appears that Petitioner ultimately seeks judicial review of an underlying benefits determination made by the VA. Congress has precluded such review in the federal district courts. See 38 U.S.C. §§ 511, 7251 et seq.; Brown v. Dep’t. of Veterans Affairs, 451 F. Supp. 2d 273, 277 (D. Mass. 2006); Pate v. Dep’t. of Veterans Affairs, 881 F. Supp. 553, 555 (M.D. Ala. 1995).

In short, to the extent Petitioner seeks a ruling validating her marriage, her request must be directed to the state courts; to the extent she seeks review of a benefits determination, Petitioner must proceed before the Board of Veterans Affairs and the United States Court of Appeals for Veterans Claims. Accordingly, the Court DENIES Petitioner’s Motion for Requested Order and Request for Hearing (Docket #s 1 & 2) and DISMISSES this matter for lack of jurisdiction.

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 21st day of October, 2008.

Petitioner

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