

In re: JOHN RAYMOND LEVIN, Debtor.

**John Raymond Levin,
Plaintiff,**

v.

**State of New York Department
of Health, et al.,
Defendants.**

**CASE NO.: 99-32178-BKC-PGH
ADV. NO.: 02-3136-BKC-PGH-A
(Cite as: 284 B.R. 308)**

On Motion to Dismiss the Court held that it did not have subject matter jurisdiction over a complaint filed after the discharge of the Chapter 7 debtor to determine the dischargeability of an unlisted debt allegedly owed to the State of Florida, because of the Eleventh Amendment. Debtor's adversary proceeding against a state was barred by sovereign immunity. The Court joined the Fourth and Fifth Circuits in determining that 11 U.S.C. § 106(a) is an invalid attempt to abrogate the states' protections under the Eleventh Amendment. Motion granted.