

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 04-3123**

**September Term, 2004**

97cr00309-01

Filed On: April 7, 2005 [887894]

United States of America,  
Appellee

v.

Terry D. Trice,  
Appellant

## APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**BEFORE:** Sentelle, Garland, and Roberts, Circuit Judges

### J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

**ORDERED AND ADJUDGED** that the judgment of the district court be affirmed. Although the federal courts possess “inherent equitable power” to expunge arrest records, see Livingston v. United States Department of Justice, 759 F.2d 74, 78 (D.C. Cir. 1985), expungement has generally been deemed appropriate only when “serious governmental misbehavior leading to the arrest, or unusually substantial harm to the defendant not in any way attributable to him, outweighs the government’s need for a record of the arrest.” Doe v. Webster, 606 F.2d 1226, 1231 (D.C. Cir. 1979). In this case the district court did not abuse its discretion in denying the motion for expungement. See Peyton v. DiMario, 287 F.3d 1121, 1125-26 (D.C. Cir. 2002) (district court’s denial of equitable relief is subject to review for abuse of discretion).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**