

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6290

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN MICHAEL HAPPEL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (2:95-cr-00013-1)

Submitted: May 16, 2019

Decided: May 21, 2019

Before DIAZ and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Vacated and remanded with instructions by unpublished per curiam opinion.

Brian Michael Happel, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian M. Happel appeals the district court's order denying his motion to expunge his criminal record. The district court found no extreme or exceptional circumstances supporting expungement, pursuant to *Allen v. Webster*, 742 F.2d 153, 155 (4th Cir. 1984). See *United States v. Happel*, No. 2:95-cr-00013-1 (E.D. Va. Feb. 11, 2019). We conclude, however, that federal ancillary jurisdiction does not extend to petitions for equitable expungement. See *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 379-81 (1994); see also *Rice v. Rivera*, 617 F.3d 802, 807 (4th Cir. 2010) (recognizing that “[e]very federal appellate court has a special obligation to satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review” (internal quotation marks omitted)).

Accordingly, we vacate the district court's order and remand this matter to the district court with instructions to dismiss Happel's motion for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED WITH INSTRUCTIONS