

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JERRY PAUL MAXIMOFF,)	
)	
Petitioner,)	
)	
v.)	No. 4:15CV1637 HEA
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Jerry Maximoff’s petition to have his felony convictions expunged. It does not appear that the Court has jurisdiction to grant the petition. So, the Court will direct petitioner to show cause why this action should not be dismissed. *See* Fed. R. Civ. P. 12(h)(3).

Petitioner was convicted of conspiracy with intent to distribute methamphetamine. *United States v. Maximoff*, No. 2:05CR922 GMS-2 (D. Ariz.); *United States v. Maximoff*, No. 2:15CR1071 EHC-1 (D. Ariz.). One condition of his supervised release is that he may “not possess or attempt to acquire any firearm . . .” Petitioner states that this condition is preventing him from providing for his family. He says he needs a firearm to hunt, so that he can “supply meat at [his] family’s table.”

This Court has limited jurisdiction to expunge criminal records. A district court has no jurisdiction “to expunge criminal records based solely on equitable considerations [] without an express grant of authority from Congress.” *United States v. Meyer*, 439 F.3d 855, 862 (8th Cir. 2006). In the absence of “an allegation that the criminal proceedings were invalid or illegal, a

District Court does not have the jurisdiction to expunge a criminal record.” *United States v. Dunegan*, 251 F.3d 477, 480 (3d Cir. 2001).

Plaintiff has not relied on any constitutional provision or federal statute in his request. Nor has he alleged that his conviction was obtained illegally or is invalid for any other reason. His request appears to lie solely on equitable grounds. Therefore, it does not appear that jurisdiction exists.

Accordingly,

IT IS HEREBY ORDERED that plaintiff must show cause no later than twenty-eight (28) days from the date of this Order why the Court should not dismiss this action for lack of jurisdiction.

Dated this 23rd day of November, 2015.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE