

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OTIS BROWN, JR., : CIVIL ACTION
 : NO. 15-mc-00274
 Petitioner, :
 :
 v. :
 :
 UNITED STATES OF AMERICA, :
 :
 Respondent. :

O R D E R

AND NOW, this **13th** day of **July, 2016**, upon consideration of the Petition for Expungement (ECF No. 1) and Petitioner's Motion for a Nunc Pro Tunc Order (ECF No. 14), which are both unopposed by the Government, and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** as follows:

1. The Petition for Expungement (ECF No. 1) and Petitioner's Motion for a Nunc Pro Tunc Order (ECF No. 14) are **GRANTED**.
2. Petitioner is **GRANTED** early unconditional discharge from his probationary term, which ended on or about September 19, 1974, nunc pro tunc.
3. Petitioner's federal misdemeanor conviction for violation of 18 U.S.C. § 641 on or about March 14, 1974, is automatically **SET ASIDE**, i.e., **EXPUNGED**, nunc pro tunc, pursuant to 18 U.S.C. § 5021(b) (1970) (repealed 1984).

4. A certificate setting aside, i.e., expunging, Petitioner's conviction is **ISSUED** nunc pro tunc, pursuant to 18 U.S.C. § 5021(b) (1970) (repealed 1984).

IT IS FURTHER ORDERED as follows:¹

1. All governmental or law enforcement agencies currently in possession of any records in connection with Petitioner's arrest, booking, and conviction must physically remove those records from the criminal files and place them in a separate storage facility not to be opened other than in the course of a bona fide criminal investigation by law enforcement authorities and where necessary for such an investigation.

2. The records associated with Petitioner's arrest, booking, and conviction are not to be used for any other purpose, nor may they be disseminated to anyone, public or private, for any other purpose.

3. All governmental or law enforcement agencies and their agents are required to respond in the negative to any and all inquiries concerning Petitioner's arrest, booking, and conviction.

4. Petitioner may legally respond in the negative to any and all questions concerning his former arrest, booking, and conviction.

¹ The scope of expungement provided in this Order is modeled upon the Third Circuit's directives in Doe v. Webster, 980 F.2d 876, 882-83 (3d Cir. 1992).

5. The Clerk of Court is directed to transmit a copy of this Order to the United States Attorney's Office for the Eastern District of Pennsylvania, the Federal Bureau of Investigation, and the United States Probation Office.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.