

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

PHILIP ANDREA GRIGSBY
Petitioner,

vs.

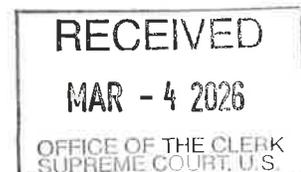
UNITED STATES OF AMERICA
Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT
OF APPEALS FOR THE TENTH CIRCUIT

APPLICATION TO JUSTICE GORSUCH
TO EXTEND TIME TO FILE
PETITION FOR CERTIORARI
(Sup. Ct. R. 13.5)

RELIEF SOUGHT

Philip Andrea Grigsby, on behalf of himself (Identifies as non-binary) request that Justice Gorsuch, Justice for the Tenth Circuit, extend the time for filing a petition for writ of certiorari to the United States Court of Appeals for the Tenth Circuit in the matter of United States v. Grigsby, No. 25-3045 for a period of 60 days, from March 3, 2026, up to and including May 2, 2026.



GROUNDNS FOR RELIEF

Judgments Below

On March 11, 2025, petitioner duly appealed this pro se Motion Requesting Recognitions of Change of Gender and Order for Genital Removal to the United States Court of Appeals for the Tenth Circuit. This court affirmed the denial of Grigsby's Pro se Motion Requesting Recognitions of Change of Gender and Order for Genital Removal by its order entered on December 3, 2025. A true and Correct (updated) copy of the opinion and order of the court is reported at United States v. Grigsby, No. 25-3045 (Dist/Ag docket: 6:12-CR-10174-JWB-1).

Jurisdiction

The Supreme Court will have jurisdiction over this matter because 28 U.S.C. §1254(1) gives the Court jurisdiction over an appeal of a final judgment of a United States Court of Appeals.

Reasons Why Relief From Time Limit Needed

Under Supreme Court Rule 13.1, time for filing of a Petition for Writ of Certiorari in this matter expires on March 3, 2026.

Petitioner, a layperson, relied on limited research material and limited to file a timely Petition for Writ of Certiorari in this matter due to : 1. Petitioner is unrepresented by counsel

thus forced to assume Pro se status, 2. Petitioner is incarcerated in Federal Prison, 3. Appointment of counsel for Petitioners unique and extraordinary issues was denied by both the United States District Court, For the District of Kansas, Wichita Division and the United States Court of Appeals for the Tenth Circuit, thus denying Petitioner proper legal representation as guaranteed under the Sixth Amendment of the United States Consitution.

Petitioner reasonably relied on legal reference material available in the prison Law Library to prefect a timely filed Writ of Centiorari and relied on a meer four [4] hour per day (Mon. - Fri.) often interfered with by Law Library closures due to holidays and frequent lock downs which hindered the Petitioner proceeding Pro se.

Need for Length of Extension Sought

The attached Motion for Reconsideration is in dispute due to the alledged violation of the Pro se Mail Box Rule by petitioner against the clerk of court, United States Court of Appeals for the Tenth Circuit that was placed in the prison mail box dated December 17, 2025, Fourteen [14] days after the December 3, 2025 final judgement.

The extraordinary issues within the petitioners motions if argued Pro se will and does take an extra amount of time due to the absence of case law to back up petitioners arguments which

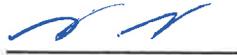
are "unique circumstances" that needs trained counsel too argue.

Persuasive Grounds for Certiorari in This Case

Petitioner raises grave Constitutional questions concerning the First, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States which reach far into our changing times.

Petitioner is presently serving a 3,120- month sentence.

Dated: February 17, 2026



Philip Andrea Grigsby, Pro se

Reg.# 22325-031

USP - TUCSON

P.O. Box 24550

Tucson, AZ 85734

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

December 3, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PHILIP ANDRA GRIGSBY,

Defendant - Appellant.

No. 25-3045
(D.C. No. 6:12-CR-10174-JWB-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **TYMKOVICH, BALDOCK, and PHILLIPS**, Circuit Judges.

Defendant Grigsby is completing a 260-year prison sentence imposed in 2013. *See United States v. Grigsby*, 749 F.3d 908, 909 (10th Cir. 2014). In February 2025, Grigsby filed a pro se motion asking the district court “to recognize Andrea Grigsby as a gender nonconforming person, refrain from using pronouns and to order the Bureau of Prisons to approve and have performed a full and complete genital removal

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

through surgery.” R. at 48. The district court concluded it lacked jurisdiction to address the motion and denied it on that basis. Grigsby timely appealed.

We review the district court’s ruling de novo. *See In re Special Grand Jury 89-2*, 450 F.3d 1159, 1170 (10th Cir. 2006) (“We review jurisdictional questions de novo.”). And we construe Grigsby’s pro se filings liberally, but we do not take on the role of advocate. *See James v. Wadas*, 724 F.3d 1312, 1315 (10th Cir. 2013).

As the district court correctly recognized, federal courts “possess only that power authorized by Constitution and statute, which is not to be expanded by judicial decree.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). “It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction.” *Id.* (citations omitted).

While the district court had jurisdiction in Grigsby’s criminal case under 18 U.S.C. § 3231, that did not extend to the present motion, which Grigsby filed long after the court had entered final judgment. *See United States v. Garcia-Herrera*, 894 F.3d 1219, 1220 (10th Cir. 2018) (“[Section] 3231 by itself doesn’t give the district court jurisdiction over all post-conviction motions.” (internal quotation marks omitted)); *cf. United States v. Spaulding*, 802 F.3d 1110, 1112 (10th Cir. 2015) (“[Section] 3231 does not, standing alone, confer upon a district court jurisdiction to set aside a previously imposed criminal judgment . . .”).

Some statutes, such as 18 U.S.C. § 3582(c)(1), give district courts limited jurisdiction, in identified circumstances, to modify a sentence after it is imposed. *See*

United States v. McGee, 992 F.3d 1035, 1041 (10th Cir. 2021). But Grigsby’s motion did not cite any such statute, or any other authority, that gave the district court jurisdiction in the circumstances here.

On appeal, Grigsby suggests Federal Rule of Civil Procedure 60(b), 18 U.S.C. §§ 3553(a), 3582(c)(1)(A), and/or *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) authorized the district court to consider the motion. But Grigsby did not make any argument based on these authorities in district court, and also does not argue the district court committed plain error by overlooking any of them. We therefore do not address these unpreserved arguments. *See United States v. Leffler*, 942 F.3d 1192, 1196 (10th Cir. 2019) (“When an appellant fails to preserve an issue and also fails to make a plain-error argument on appeal, we ordinarily deem the issue waived . . . and decline to review the issue at all—for plain error or otherwise.”).

Accordingly, we affirm the district court’s denial of Grigsby’s motion for lack of jurisdiction.

Entered for the Court

Timothy M. Tymkovich
Circuit Judge

**Additional material
from this filing is
available in the
Clerk's Office.**