

26-5755

No. _____

ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

PHILLIP ANDREA GRIGSBY — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Phillip Andrea Grigsby #22325-031
(Your Name)

United States Penitentiary - Tucson
(Address)

P.O. Box 24550 Tucson, AZ 85734
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Are questions 4-7 of Form A-12, (United States Court of Appeals for the Tenth Circuit Pro Se Appellant/Petitioners Opening Brief) arguments that the United States District Court for the District of Kansas, Wichita Division committed in plain error? (Appendix D page 4)
2. Does a change in Gender Identity (non-binary, asexual) constitute a change in circumstances? (Appendix A)
3. Is a request for Gender Affirming Surgery (Nullification), i.e.: a complete removal of male genitals and sensory nerves an extraordinary and compelling issue? (Appendix A)
4. Is volunteering as an example for Nullification surgery to be used as a punishment for sex offenses against children an extraordinary and compelling issue? (Appendix A)
5. Did the District Court and Appellant Courts denial of appointment of counsel violate due process? (Appendix C)
6. Did the United States Court of Appeals for the Tenth Circuit Clerks Office violate the Prison Mailbox Rule? (Appendix G)

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:
- Solicitor General of the United States
 - United States Court of Appeals for the Tenth Circuit
 - United States District Court for the District of Kansas, Wichita Division
 - United States Attorney, Wichita Kansas

RELATED CASES

Case No. 13-3146	United States v. Grigsby Appeal from the United States District Court for the District of Kansas, Affirmed.
14-3067	United States v. Grigsby Pro Se Appeal from United States District Court for the District of Kansas, Remanded.
15-3057	Grigsby v. Lemuz Civil Complaint under 42 U.S.C. § 1983 Psychologist witness testifies while under a Cease and Desist Order to not practice Psychology. Impeachable witness.
15-3281	United States v. Grigsby Civil Complaint under 28 U.S.C. § 2255, Ineffective Assistance of Counsel.

RELATED CASES

Case No.
16-3163

Grisby v. Marten

Civil Complaint under 42 U.S.C. § 1983

Judge J. Thomas Marten issued a medical opinion

"I will decide if there was penetration by viewing the pictures."

Asst. U.S. Attorney Jason W. Hart Openly cried before the Judge during the sentencing hearing.

16-3184

Grigsby v. Dick

Civil Complaint under 42 U.S.C. § 1983

Divorce Decree, Kansas State Court

Not a part of criminal case.

18-3162

Grigsby v. Baltazar

Civil Complaint under 28 U.S.C. § 2241

The District Court of Kansas Ruled on a motion For the District Court of Arizona that was mistakenly mailed to the wrong court, seems the District Court of Kansas practices selective jurisdiction.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix F to the petition and is

☒ reported at Case No: 25-3045 United States v. Grigsby; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

☒ reported at Case No: 12-10174; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix N/A to the petition and is

☐ reported at N/A N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the N/A N/A court appears at Appendix N/A to the petition and is

☐ reported at N/A N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 3, 2025.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: January 2, 2026, and a copy of the order denying rehearing appears at Appendix G.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including May 2, 2026 (date) on March 6, 2026 (date) in Application No. 25 A 970.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. I Amendment to the United States Constitution, Expression Protection.
2. II Amendment to the United States Constitution, Class Protection.
3. V Amendment to the United States Constitution, Equal Protection, Due Process.
4. VI Amendment to the United States Constitution, Due Process.
5. VIII Amendment to the United States Constitution, Cruel and Unusual Punishment.
6. XIV Amendment to the United States Constitution, Equal Protection, Class Protection, Due Process.
7. Title VII of the Civil Rights Act of 1964 42 U.S.C. § 2000E-2(a)(1)
8. United States District Courts Jurisdiction, 18 U.S.C. § 3231
9. United States Appellate Courts Jurisdiction, 18 U.S.C. § 1291
10. Extraordinary and Compelling, 18 U.S.C. § 3582
11. Sex/Gender Discrimination, 42 U.S.C. § 2000E-2(a)(1)
12. Federal Question Jurisdiction, 28 U.S.C. § 1331
13. Sex/Gender Discrimination, washington.Rev.code § 49.60.030 and § 49.60.040

STATEMENT OF THE CASE

On July 12, 2012, Philip Andrea Grigsby was arrested for multiple child pornography charges, on May 20, 2013. Grigsby pled guilty without a plea agreement to all charges. Grigsby accepted responsibility for Grigsby's actions then as well as now. Grigsby has paid around \$50,000.00 of restitution.

Grigsby has struggled with sex and violence for a majority of Grigsby's life. Those facts can be verified by objectively viewing Grigsby's presentence Investigation Report.

Grigsby has completed over 186 programs/classes while incarcerated, many of those programs/classes focused on cognitive and behavioral issues. Grigsby's thinking process has evolved. History has taught humanity that to truly rid the human deviancy of sex and violence the third gender of "Eunuch" was established 1,000's of years ago, the third gender of "Eunuch" can also be found in the King James Bible. Grigsby has openly identified as nonbinary asexual which is the modern day "Eunuch." Grigsby has acquired a legal name change through the Arizona State Court to Philip Andrea Grigsby, assuming a male and female name identity.

Grigsby's request for complete genital removal to the Courts is a three part plea:

First: It is apparent by objectively viewing Grigsby's early criminal history, that Grigsby had struggled with violence and substance use as a young man that led to a state prison sentence. There are twenty-two years between Grigsby's two prison sentences, in those twenty-two years Grigsby matured, an indication that Grigsby is capable of change, though Grigsby concurs that there were a couple of run ins with the law, they were in stark contrast to Grigsby's earlier years.

Grigsby has completed several Bible Studies, through these studies Grigsby

has learned that to be free of sin, one has to remove the source of sin, in Matthew 4:29, Jesus said "if thy eye offended thee, pluck it out, and cast it from thee, if thy right hand offend thee, cut it off, it is profitable for thee that one of thy members should perish, and not that thy whole body should be cast into hell". Thus for Grigsby to repent, the removal of Grigsby's male genitals is imperative. The male genitalia produces testosterone which in turn produces sexual desire and aggression, thus with Grigsby's genitals removed, Grigsby will be free of any sexual desire or aggressive emotions, Grigsby will become a eunuch. Galatians 3:28; There is neither Jew nor Greek, there is neither bound nor free, there is neither male nor female: for ye are all one in Christ Jesus. According to the King James version of the Holy Bible Eunuch's are the third gender.

Second: No words will ever make up for the trauma Grigsby caused the daughter that meant so much to Grigsby, nor will any incarceration ever ease the emotional pain Grigsby inflicted on an innocent who relied on Grigsby's protection. There has never been a victim impact statement filed in Grigsby's case, thus, Grigsby does not know the depth of the emotional pain Grigsby caused not only to Grigsby's daughter, but the stress and shame Grigsby brought onto the Grigsby family and friends. Thus Grigsby offers the sacrifice of Grigsby's male genitalia to atone for the sins, physical abuse, and sexual abuse Grigsby has ever caused anyone Grigsby has wronged. Grigsby's daughter, now an adult, can finally have a voice in what happens to the person who took her innocence.

Third: It should be painfully obvious to the United States Attorney's Office and the United States District and Appellate Courts that long sentences are not deterring the sexual abuse of children by adult males, even incarceration does not stop sexual deviancy. In the twelve years Grigsby has

been housed at USP-Tucson Grigsby has seen a plethora of sexual deviancy inside these prison walls, many sex offenders are homosexual and find a partner or group willing to roleplay and act out as adults molesting children, some sex offenders masturbate when they see a child on T.V., often right in front of other sex offenders, there are some sex offenders grooming children through coded messages in the mail, email, and telephone, some sex offenders drawn children being molested or write stories about the sexual abuse of children, Grigsby fell into the story writing trap when Grigsby first arrived here, but through treatment rose above that deviancy.

Grigsby's objective is to push the genital removal question to the United States Supreme Court, Grigsby's mission is to propose a punishment that will stop the victimization of children. Grigsby knows that if genital removal for sex offenders was posted to the public, the public would wholeheartedly back Grigsby's proposal. Grigsby respectfully requests to be the first sex offender to undergo a complete genital removal as a punishment for sexually abusing a child.

REASONS FOR GRANTING THE PETITION

Grigsby is a self-identified non-binary asexual member of the ever increasing transgender community. Currently Grigsby is incarcerated at United States Penitentiary - Tucson located in Tucson, Arizona. As a member of a majority group, Grigsby's gender identity is a minority within said majority group. Historically in the Tenth Circuit, "in cases where the plaintiff is a member of a historically favored group, the Tenth Circuit has instructed that 'heightened standards are necessary for a prima facie showing to preserve the integrity of Title VII and Congress's intent in enacting it." Bowen v. City & Cnty. of Denver, Denver Sheriff Dep't, 2025 U.S. Dist. LEXIS 70781, 2025 WL 1101152, at 2(D. Colo. Apr. 15, 2025) (quoting Adamanson v. Multi Cmt. Diversified Servs., Inc., 514 F.3d 1136, 1144 (10th Cir. 2008)).

The Supreme Court recently abrogated this heightened standard, however, holding that "by establishing the same protections for every 'individual - without regard to that individual's membership in a minority or majority group - Congress left no room for courts to impose special requirements on majority - group plaintiffs alone'". Ames v. Ohio Dep't of Youth Servs., 605 U.S. , 145 S. Ct. 1540, 1546 (2025). Accordingly, " the standard for proving disparate treatment under Title VII does not vary based on whether or not the plaintiff is a member of a majority group. Price v. Driscoll, 2025 U.S. Dist. E. Dist. Ok. LEXIS 131799 Case No. CIV-21-100-GLJ, (10th Cir. 2025) Second Amendment Class Protection.

The Supreme Court has also recognized the question of gender

REASONS FOR GRANTING THE PETITION
Continuation Page

discrimination involving other Constitutional violations. Davis v. Passman, 442 U.S. 228, 99 S. Ct. 2264, 60 L.Ed.2d 846(1979) (Finding a Fifth Amendment Due Process violation for gender discrimination; Carlson v. Green, 446 U.S. 14, 100 S.Ct. 1468, 64 L.Ed.2d 15 (1980) (Finding an Eighth Amendment violation for failure to provide adequate medical and mental care treatment) that can cause Grigsby duress through depressions, anxiety, self-harm, suicidality, and impairment in functioning.

According to the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Gender Dysphoria is a serious medical condition that creates an intense and persistent discomfort with ones biological anatomy as evident from the scars on Grigsby's wrists. The Fourteenth Amendments Equal Protection Clause encompasses discrimination against sexual orientation or gender identity. Fowler v. Stitt, 104 F.4th 770, 794 (10th Cir. 2024) (citing Bostok v. Clayton Cnty., Georgia, 590 U.S. 644, 660, 140 S. Ct. 1731, 207 L.Ed.2d 218 (2020)

A Federal court can assume jurisdiction over a claim of gender discrimination. Lincoln v. BNSF Railway Co., 900 F.3d 1166, 1185 (10th Cir. 2018). A motion must contain sufficient factual matter, accepted as true... that is plausible on its face. Ashcroft v. Iqbar, 556 U.S. 662, 678, 129 S. Ct. 1937 173 L.Ed.2d 868 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570, 127 S. Ct. 1955, 167 L.Ed.2d 929 (2007)). The Tenth Circuit failed to review de novo the denial of

REASONS FOR GRANTING THE PETITION
Continuation Page

Grigsby's motion for lack of jurisdiction. Safe Streets All v. Hickenlooper, 359 F.3d 865, 877-78 (10th Cir. 2017). The Tenth Circuit also failed to review Grigsby's factual allegation as true and the clear Federal jurisdiction that plainly appears on the face of Grigsby's motion. Firstenberg v. City of Santa Fe, 696 F.3d 1018, 1023 (10th Cir. 2012)

Due to the plethora of constitutional questions found in Grigsby's briefs and the extraordinary and compelling issues Grigsby has presented, the Tenth Circuit obviously failed to exercise its jurisdiction under 18 U.S.C. §1291. Extraordinary or compelling as these terms are ordinarily understood, United States v. Ford, 536 F.Supp. 3d 848, 853 (D. Kan. 2021) extraordinary means exceptional to a very marked extent, compelling means tending to convince ... by forcefulness of evidence.

The lack of precedent to support Grigsby's argument demands objective review. Federal courts Federal-question jurisdiction, see 28 U.S. §1331, the district courts shall have original jurisdiction of all civil actions arising under the Constitution.

Transgender persons, diagnosed with gender dysphoria "a medical condition characterized by persistent, clinically significant distress resulting from an incongruence between gender identity and biological sex." United States v. Skrmetti, 605 U.S. ___, 145 S. Ct. 1816, 1824, 222 L.Ed.2d 136 (2025). To treat ... gender dysphoria, healthcare providers prescribe ... cross-sex hormones, the ever increasing h gender identities opens the need for increasing

medications, in Grigsby's gender identity, the need for testosterone blockers.

The Tenth Circuit and district courts views on gender identity are clearly bias and discriminatory. "Viewpoint discrimination" raises the most serious red flags under the First Amendment. A government that discriminates based on viewpoint does not just put an entire topic off limits, it allows certain speech on the topic but silences other points of view. See Iancu v. Brunetti, 588 U.S. 819, 829-30, 115 S. Ct. 2510, 132 L.Ed.2d 700 (1995). This viewpoint discrimination is "uniquely harmful to a free and democratic society" because it skews the marketplace of ideas by putting a thumb on the scale in favor of certain perspectives. Nat'l Rifle Ass'n of Am. v. Vullo, 602 U.S. 175, 187, 144 S. Ct. 1316, 218 L.Ed.2d 642 (2024) The Federal Communication Commission recently amended Form 395-B to include "non-binary gender categories". Nat'l Religious Broad's v. FCC 138 F.4th 282 (5th Cir. 2025) McDonnell Douglas Corp. v. Green, 411 U.S. 792, 93 S. Ct. 1817, 36 L.Ed.2d 668 (1973), Title VII prohibits discrimination "because of" a protected characteristic, including race and gender. The Fifth Amendment provides a "right to be free from gender discrimination, 42 U.S.C §2000e-2(a)(1) sex discrimination includes discrimination on the basis of transgender identity. Under Washington law, sexual orientation is defined to include heterosexuality, homosexuality, bisexuality, and gender expression or identity. Wash. Rev. Code §49.60.030(1)(b), Wash. Rev. Code §49.60.040(27) Within the First Amendment's scope "sexual expression" is protected, Sable Comm'n's of Cal. Inc., v. FCC, 492 U.S.C. 115, 126, 109 S. Ct. 2829, 106 L.Ed.2d 93 (1989). Thus Grigsby's desired expression of Eunuch is a Free Exercise Right. Grigsby's extraordinary circumstances are also defined in U.S.C. §3582.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Philip Andrea Grigsby

Date: April 29, 2026

Reg. # 22325-031

United States Penitentiary Tucson

P.O. Box 24550

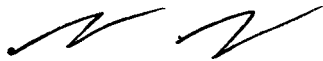
Tucson, AZ 85734

CONCLUSION

The petition for a writ of certiorari should be granted.

Corrected Petition

Respectfully submitted,

A handwritten signature, possibly reading "N. N.", is written above a horizontal line.

Date: June 18, 2026