

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CHRISTOPHER A. VANHORN,
Applicant,

v.

SALVATION ARMY, *et al.*,
Respondents.

**ON APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE
TENTH CIRCUIT**

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

Christopher A. VanHorn
Applicant *pro se*
3136 Grand Avenue, Apartment 6
Kansas City, Missouri 64111
(913) 999-3366
chris_vnhrn@yahoo.com

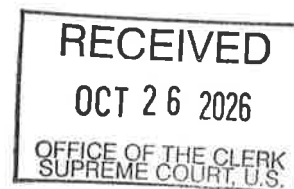


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TABLE OF AUTHORITIES

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To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Applicant Christopher A. VanHorn, proceeding *pro se*, respectfully applies under 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5 for a 60-day extension of time within which to file a petition for a writ of certiorari. The sixtieth day is Friday, January 8, 2027. Christopher A. VanHorn is the sole party for whom an extension is requested.

JURISDICTION AND TIMING

This Court would have jurisdiction under 28 U.S.C. § 1254(1) to review the judgment of the United States Court of Appeals for the Tenth Circuit. The Tenth Circuit entered its Order and Judgment on July 9, 2026. Applicant timely filed a petition for rehearing on July 15, 2026, and the court denied rehearing on August 11, 2026. The present deadline to file a petition for a writ of certiorari is November 9, 2026. This application is filed more than 10 days before that date.

PROCEDURAL HISTORY

The court of appeals affirmed the district court's postjudgment orders in Appeal No. 25-3126 on July 9, 2026. Its judgment and opinion are reproduced at Appendix 1a-7a. The August 11, 2026 order denying rehearing is reproduced at Appendix 8a. The mandate issued on August 19, 2026. Applicant seeks no relief in this application concerning the mandate.

REASONS SUPPORTING THE REQUESTED EXTENSION

Good cause exists because the original 90-day period has substantially overlapped with concrete, time-sensitive court obligations in related federal and separate state proceedings. Applicant has also continued to work full time, approximately 40 to 50 hours each week. Those obligations delayed focused organization of the district-court and Appeal No. 25-3126 materials until mid-October 2026. The requested time is needed for record-controlled issue selection, preservation review, preparation of a compliant petition, and construction of the required appendix.

COMPETING COURT OBLIGATIONS

First, throughout the initial portion of this 90-day period, Applicant has been preparing the petition for a writ of certiorari and appendix in a separate appeal arising from the same underlying district-court action, *VanHorn v. Salvation Army, et al.*, Tenth Circuit Appeal No. 24-3126. On August 12, 2026, immediately after rehearing was denied in Appeal No. 25-3126, Applicant filed an application in this Court for an extension of time to file a petition for a writ of certiorari in Appeal No. 24-3126, which was granted through November 2, 2026. Focused record review, issue selection, legal research, drafting, and appendix preparation for the certiorari petition in Appeal No. 24-3126 have occupied a substantial portion of the August-through-October period.

Second, in *VanHorn v. Martin*, Johnson County District Court case No. JO-2025-CV-003002, after the court entered judgment on June 23, 2026, Applicant prepared and filed a motion to alter or amend on July 1, a motion for leave to file a

limited supplement on July 3, and a corrected motion for leave to file a combined reply on July 20. On August 3, 2026, the Johnson County court entered an order denying the motion to alter or amend and addressing the related motions. Applicant then filed a notice of appeal on August 5 and prepared a limited motion seeking correction of clerical mistakes or mistakes arising from oversight or omission. Monitoring and addressing ongoing postjudgment and appellate record and docketing obligations in that newly commenced Kansas appeal has continued during the certiorari period in this case.

Third, Applicant was simultaneously addressing Missouri habeas and original-writ proceedings arising from Jackson County Circuit Court case No. 2516-CV38800. Following the Missouri Court of Appeals' dismissal of the related appeal without prejudice on June 11, 2026, and issuance of its mandate on July 17, Applicant prepared a filing-ready original-writ package for the Missouri Court of Appeals, Western District, including a petition for writ of mandamus, supporting suggestions, a writ summary, an indexed appendix, and service materials. On August 11, 2026—the same day rehearing was denied in Appeal No. 25-3126—Applicant filed the resulting original-writ proceeding in the Missouri Court of Appeals, Western District. Monitoring that proceeding and addressing subsequent filing obligations has occurred during the same period.

Fourth, in *City of Mission v. VanHorn*, Kansas appellate case No. 127,093, following the submission of Applicant's reply brief on June 9, 2026, and motion

practice concerning oral argument in June 2026, Applicant has continued to monitor the pending appeal for disposition and further appellate deadlines.

The foregoing obligations were not optional general research projects. They consisted principally of parallel Supreme Court certiorari preparation in Appeal No. 24-3126 and filed or pending state-court proceedings during the same August-through-October period in which this certiorari record otherwise would have been assembled. Applicant has acted continuously rather than allowing the original period to pass without preparation.

RECORD ASSEMBLY AND CONCRETE PREPARATION CONSTRAINTS

Because of the competing filings described above, Applicant began the focused collection and organization of the postjudgment district-court and Appeal No. 25-3126 materials in mid-October 2026. Most necessary documents are already in his possession, and only a limited number remain to be located or organized. The task nevertheless requires controlled review of the multi-volume appellate record (including the three-volume record and the Supplemental Volume I record filed on July 9, 2026, adding district-court docket numbers 101, 102, 104, 109, 110, 118, and 120), the 13 postjudgment motions and related district-court dispositions, the opening-brief filing, the appellate response and reply materials (including the 4,984-word reply brief filed January 23, 2026, and the motions resolved on July 9, 2026), the 7-page court-of-appeals opinion, and the rehearing papers. No unavailable

document is presently identified as indispensable, but the materials are not yet organized for reliable Supreme Court issue selection and appendix preparation.

Applicant works approximately 40 to 50 hours each week while handling these matters *without counsel*. As a *pro se* litigant, he must personally perform the record review, legal research, issue selection, drafting, formatting, appendix preparation, copying, and service required in each matter outside his employment hours. The overlapping proceedings described above—and particularly the completion of the certiorari petition in Appeal No. 24-3126 due November 2, 2026—therefore impose substantial, concrete demands on the time available to prepare a careful petition in this case.

A 60-day extension would provide a reasonable period to finish organizing the record, test potential questions against the materials actually presented below, prepare the petition in the required form, compile and verify the appendix, confirm service information, and produce the necessary filing copies. A shorter extension would leave those tasks compressed against the November 2, 2026 certiorari deadline in Appeal No. 24-3126, the pending state proceedings, and Applicant's full-time employment. Applicant will continue preparation while this application is pending and understands that filing the application does not itself extend the November 9, 2026 deadline.

CONCLUSION

For these reasons, Applicant respectfully requests under 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5 a 60-day extension of time within which to file a

petition for a writ of certiorari, up to and including Friday, January 8, 2027. This request is made in good faith and not for delay.

Respectfully submitted,
/s/ Christopher A. VanHorn
Christopher A. VanHorn
Plaintiff-Appellant, pro se

A handwritten signature in black ink, appearing to read "Chris Van Horn", with a stylized flourish at the end.

APPENDIX

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Order Denying Petition for Rehearing, entered August 11, 2026	8a

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

July 9, 2026

Christopher M. Wolpert
Clerk of Court

CHRISTOPHER A. VANHORN,

Plaintiff - Appellant,

v.

SALVATION ARMY; BLANCHE
RIDING; KELLY F. KELLER; MEGAN
BROWN, in her individual and official
capacity; GREGORY BARNETT, in his
individual and official capacity; TANNER
EDDINGS, in his individual and official
capacity; CHAD HODGE, in his individual
and official capacity; DAVID MARTIN,
in his individual and official capacity;
KEITH DRILL, in his individual and
official capacity; CITY OF MISSION,
KANSAS,

Defendants - Appellees.

No. 25-3126
(D.C. No. 2:23-CV-02009-DDC-ADM)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HARTZ**, **BACHARACH**, and **EID**, Circuit Judges.

In this appeal we affirm the denial of several postjudgment motions filed by
Christopher VanHorn.

*Oral argument would not help us decide this appeal, so we have decided it
based on the record and the parties' filings. See Fed. R. App. P. 34(a)(2)(C);
10th Cir. R. 34.1(G). This decision is not binding precedent except under the
doctrines of law of the case, res judicata, and collateral estoppel. But it may be cited
for its persuasive value. See Fed. R. App. P. 32.1; 10th Cir. R. 32.1.

I

The underlying lawsuit arose from a confrontation at a Salvation Army store. Mr. VanHorn was convicted in Kansas municipal court of disorderly conduct and trespass.

Following his convictions, Mr. VanHorn filed suit in the United States District Court for the District of Kansas against several defendants, including Salvation Army employees, police officers, and the prosecutor and judge involved in his municipal prosecution. *See VanHorn v. Salvation Army*, No. 24-3126, 2026 WL 1257804, at *1–2 & n.3 (10th Cir. May 7, 2026). The district court dismissed the case, and Mr. VanHorn appealed to this court.¹ *Id.* at *2.

While his appeal was pending, he filed 13 motions in district court in less than two months. The motions included one seeking relief from the judgment under Federal Rule of Civil Procedure 60(b) and several others related to it. The district court denied relief, and Mr. VanHorn appeals.²

II

We start with Mr. VanHorn's Rule 60(b) motion. The relevant parts of the motion sought relief under Rule 60(b)(3) based on allegations of fraud and

¹ The court's judgment is not before us in this appeal, so we do not consider Mr. VanHorn's arguments against it.

² Mr. VanHorn represents himself, so we construe his filings liberally. *See Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005).

misrepresentations, and under Rule 60(b)(4) based on allegations that the judgment was void.³

A

Seeking relief under Rule 60(b)(3), Mr. VanHorn claimed that the municipal prosecutor “knowingly suborned perjury,” R. vol. III at 12, and “introduced a fabricated notice of appeal” in the state proceedings, *id.* at 18. These actions, Mr. VanHorn argued, amounted to fraud on the court.

The district court denied relief under Rule 60(b)(3) for several reasons. One reason was that Mr. VanHorn alleged fraud on state courts rather than the federal district court. We review the court’s decision for an abuse of discretion. *See Thomas v. Parker*, 609 F.3d 1114, 1119 (10th Cir. 2010).

Mr. VanHorn has provided no authority suggesting that Rule 60(b)(3) authorizes relief for fraud on courts other than the one that entered the challenged judgment. Nor are we aware of any.

Still, Mr. VanHorn insists that his fraud-on-the-court claim should have succeeded because the misconduct he alleged “was committed by an adverse party in this federal case” (the prosecutor) and because it “tainted the federal judgment.” Aplt. Opening Br. at 3. These arguments miss the point. Without any allegation of fraud or misconduct “directed to the judicial machinery” of the federal district court,

³ The motion also sought relief under Rule 60(b)(6), but the district court declined to consider that request for relief based on its decision to enforce the page limit for the motion. We address below the decision to enforce the page limit.

the court acted within its discretion when it rejected Mr. VanHorn's fraud-on-the-court claim. *Zurich N. Am. v. Matrix Serv., Inc.*, 426 F.3d 1281, 1291 (10th Cir. 2005) (internal quotation marks omitted). Having upheld the court's decision on that ground, we need not consider the other reasons it gave to deny relief under Rule 60(b)(3).

To the extent Mr. VanHorn challenges the court's decision to treat his Rule 60(b)(3) argument as a fraud-on-the-court claim, we reject that challenge.⁴ In federal district court he repeatedly framed his Rule 60(b)(3) claim as one asserting fraud on the court.

B

Seeking relief under Rule 60(b)(4), Mr. VanHorn claimed below that the district court's judgment was void because of a "lack of subject matter jurisdiction in the state criminal proceedings." R. vol. III at 23. The district court denied relief because Mr. VanHorn never challenged the subject-matter jurisdiction of the *federal* court—the court that entered the challenged judgment. We review the Rule 60(b)(4) decision de novo. *See United States v. Buck*, 281 F.3d 1336, 1344 (10th Cir. 2002).

On appeal Mr. VanHorn does not dispute the district court's reasoning. He instead says the court erred by overlooking that a judgment is void not only if the court that entered it lacked jurisdiction but also if the court "acted in a manner inconsistent with due process." *See id.* (internal quotation marks omitted). Although

⁴ Rule 60(b)(3) provides one mechanism to raise a fraud-on-the-court claim. *See United States v. Baker*, 718 F.3d 1204, 1207 (10th Cir. 2013).

Mr. VanHorn's Rule 60(b)(4) claim focused on subject-matter jurisdiction, it did contain some references to due process. But the possible due-process claims in the motion alleged corruption of the state proceedings, not the federal ones, so there was no showing that the federal court's judgment was void.

For the first time on appeal, Mr. VanHorn contends that the judgment is void because the federal district court refused to hear "allegations of adverse-party misconduct."⁵ Aplt. Opening Br. at 6. Because he neither raised this contention in his Rule 60(b) motion nor tries to show on appeal that it could succeed under plain-error review, Mr. VanHorn has waived the contention. *See United States v. Leffler*, 942 F.3d 1192, 1196 (10th Cir. 2019).

III

Mr. VanHorn challenges the denial of several motions related to the Rule 60(b) motion—a motion for a hearing, a motion to exceed the page limit for the Rule 60(b) motion, motions to supplement, and a motion to compel a response to the allegations in the Rule 60(b) motion. He also challenges an order staying the deadline to respond to several of his motions.

These challenges fail for two reasons. First, Mr. VanHorn's opening brief never develops arguments against the reasons the district court gave for its rulings. He has therefore waived any challenge to the court's analysis. *See Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 841 (10th Cir. 2005) (recognizing that

⁵ To the extent this argument targets the court's Rule 60(b) order rather than the underlying judgment, we address it in the next section.

inadequately briefed issues will be deemed waived). Second, the record refutes the cursory argument he makes against the rulings collectively. In his view, the court's rulings allowed his misconduct allegations to go "unrebutted and adjudicated." Aplt. Opening Br. at 4. In effect, he says, the rulings reveal the court's willingness "to tolerate fraud on the federal tribunal itself." *Id.* at 8. Not at all. The court accepted the allegations at face value, but it still concluded that they could not support Rule 60(b) relief.

IV

Before concluding, we briefly address some of the arguments in Mr. VanHorn's reply brief.

The reply brief seeks relief based on a state-court event that occurred after Mr. VanHorn filed his opening brief. That event has no bearing on this appeal, for we "generally limit our review on appeal to the record that was before the district court when it made its decision." *Regan-Touhy v. Walgreen Co.*, 526 F.3d 641, 648 (10th Cir. 2008).

Also, we reject Mr. VanHorn's contention that we should reverse because the defendants, through inadequate briefing, "forfeited opposition" to his arguments against the Rule 60(b) decision. Aplt. Reply Br. at 11. The defendants, however, have defended the court's Rule 60(b) decision. And in any event, "we treat arguments for *affirming* the district court differently than arguments for *reversing* it." *Richison v. Ernest Grp., Inc.*, 634 F.3d 1123, 1130 (10th Cir. 2011). Mr. VanHorn's

citations to cases declining to consider arguments against a district court's decision offer no support for his position.

* * *

We grant Mr. VanHorn's motion to proceed without prepaying costs or fees. We deny his motion to impose sanctions. We grant his motion to supplement the record to the extent it seeks to supplement the record with the following document numbers from the district court's docket: 101, 102, 104, 109, 110, 118, and 120. We direct the Clerk of the Court to supplement the record with those documents and a current docket sheet showing all events on the district court's docket. We deny the motion to supplement the record to the extent it requests additional relief. We deny as moot Mr. VanHorn's motion urging us to take judicial notice of documents that will be part of the supplemented record.

We affirm the district court's postjudgment orders.

Entered for the Court

Harris L Hartz
Circuit Judge

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

August 11, 2026

Christopher M. Wolpert
Clerk of Court

CHRISTOPHER A. VANHORN,

Plaintiff - Appellant,

v.

SALVATION ARMY, et al.,

Defendants - Appellees.

No. 25-3126
(D.C. No. 2:23-CV-02009-DDC-ADM)
(D. Kan.)

ORDER

Before **HARTZ**, **BACHARACH**, and **EID**, Circuit Judges.

Appellant's petition for rehearing is denied.

Entered for the Court

Per Curiam

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CHRISTOPHER A. VANHORN, Applicant,

v.

SALVATION ARMY, *et al.*, Respondents.

PROOF OF SERVICE

I, Christopher A. VanHorn, declare that I am over 18 years of age and am the unrepresented Applicant in this matter.

On October 19, 2026, I filed the original and two copies of the Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari, including its appendix and this Proof of Service, by depositing them with the United States Postal Service for delivery by Priority Mail to the Clerk of the Supreme Court of the United States, One First Street, NE, Washington, DC 20543.

On October 19, 2026, I served one paper copy of the Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari, including its appendix, on each separately represented respondent group by depositing the copies in the United States Mail with first-class postage prepaid. The paper copies were addressed respectively to Timothy J. Hadachek and Andrew D. Holder at the office addresses shown below. At or reasonably contemporaneously with that mailing, I transmitted an electronic PDF copy by email to every counsel listed below.

Salvation Army Respondents

Lathrop GPM LLP
2323 Grand Boulevard, Suite 800

Mission Respondents

Fisher, Patterson, Sayler & Smith, LLP
Corporate Woods, Building 51

Kansas City, Missouri 64108
Counsel for Salvation Army, Blanche
Riding, and Kelly F. Keller

Timothy J. Hadachek
Telephone: (816) 460-5532
Email:
timothy.hadachek@lathropgpm.com

Rosalee M. McNamara
Telephone: (816) 460-5604
Email:
rosalee.mcnamara@lathropgpm.com

Ellen C. Rudolph
Telephone: (816) 460-5717
Email: ellen.rudolph@lathropgpm.com

Paper copy addressed to Timothy J.
Hadachek.

9393 West 110th Street, Suite 300
Overland Park, Kansas 66210
Counsel for Megan Brown, Gregory
Barnett, Tanner Eddings, Chad Hodge,
David Martin, Keith Drill, and City of
Mission, Kansas

Andrew D. Holder
Telephone: (913) 339-6757
Email: aholder@fpsslaw.com

Paper copy addressed to Andrew D.
Holder.

The persons listed above are all current counsel of record for every Respondent, divided into the two separately represented groups shown. No Respondent is known to be unrepresented. All parties required to be served have been served.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 19, 2026, in Kansas City, Missouri.



Christopher A. VanHorn
3136 Grand Avenue, Apartment 6
Kansas City, Missouri 64111
(913) 999-3366
chris_vnhrn@yahoo.com