

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 23, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PHILIP ANDRA GRIGSBY,

Defendant - Appellant.

No. 26-3036
(D.C. No. 6:12-CR-10174-JWB-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **BACHARACH, McHUGH**, and **CARSON**, Circuit Judges.**

Once the district court enters final judgment in a criminal case, its jurisdiction narrows to only what a statute or rule specifically authorizes. Here, Defendant has not met the notification requirements under the Mandatory Victims Restitution Act to authorize modification of his sentence. So the district court lacked jurisdiction to modify the final judgment.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

** 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.

Defendant Philip Andra Grigsby is completing a 260-year prison sentence he began serving in 2013. See United States v. Grigsby, 749 F.3d 908, 909 (10th Cir. 2014). As part of his sentence, the district court ordered Defendant to pay restitution of \$140,000 and set a payment schedule. Defendant now seeks a modification of that payment schedule. The district court denied Defendant's motion because he identified no authority for the court to alter the schedule.

We review the district court's ruling de novo. United States v. Trujillo, 960 F.3d 1196, 1201 (10th Cir. 2020). We construe Defendant's pro se filings liberally but do not act as his advocate. See James v. Wadas, 724 F.3d 1312, 1315 (10th Cir. 2013).

The Constitution and federal statutes grant federal courts only limited jurisdiction. Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994). The party asserting jurisdiction must establish that their claim falls within that limited jurisdiction. *Id.*

The district court initially had jurisdiction over Defendant's criminal case under 18 U.S.C. § 3231. But its jurisdiction ended after it entered final judgment. 18 U.S.C. § 3231; see United States v. Spaulding, 802 F.3d 1110, 1112 (10th Cir. 2015). Once it entered the final judgment, the district court could modify Defendant's sentence only in limited instances where Congress expressly granted it the jurisdiction to do so. United States v. Blackwell, 81 F.3d 945, 947 (10th Cir. 1996). Before the district court, Defendant failed to cite any authority that would have

established jurisdiction. The district court, therefore, denied Defendant's motion for lack of jurisdiction. Defendant timely appealed.

On appeal, Defendant argues for the first time that the district court had jurisdiction to change his restitution payment schedule under the Mandatory Victims Restitution Act ("MVRA"). But where an argument is not first raised before the district court, the appellant must satisfy our rigorous plain error standard—a fact Defendant acknowledges in his brief. United States v. Trujillo, 960 F.3d 1196, 1201 (10th Cir. 2020). To establish plain error, Defendant must show (1) an error, (2) that is plain, and (3) which affects his substantial rights. Id.

The MVRA authorizes district courts to alter a restitution payment schedule, but only where (1) a material change in the defendant's economic circumstance exists; (2) the defendant notified the court *and* the attorney general; and (3) the attorney general certified to the court that the victims have been notified of the change in circumstance. 18 U.S.C. § 3664(k). Defendant argues that he has experienced a change in economic circumstance, but he has not presented any argument or evidence (either here or before the district court) that he notified the attorney general of his change in economic circumstances or that the attorney general certified that the victims received notice. Because Defendant has not established two of the MVRA's three requirements, his argument fails at prong one of the plain error standard.

Defendant also briefly asserts that the current restitution payment plan violates his due process rights. But Defendant did not raise this issue before the district court

and has not argued for plain error on appeal. Given that Defendant failed to preserve the issue and has not argued for plain error on appeal, he waived this issue and we decline to review it—for plain error or otherwise. United States v. Leffler, 942 F.3d 1192, 1196 (10th Cir. 2019).

AFFIRMED.

Entered for the Court

Joel M. Carson III
Circuit Judge