

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

United States of America,  
Plaintiff,

vs.

Case No. 12-10174-JTM

Philip Andra Grigsby,  
Defendant.

MEMORANDUM AND ORDER

In its recent decision, the Tenth Circuit denied all relief requested by defendant, except as to his request for modification of the restitution requirement. The court directed:

The district court should hold an expedited hearing to consider and determine: 1) whether the restitution payments due and owing to the minor child should be modified with respect to who or what entity should receive those payments for the benefit of the minor victim; and 2) whether Mr. Grigsby's economic circumstances have changed for the purpose of modifying the restitution judgment with respect to the time, type, or method of full or partial payment of such restitution to the minor child.

Order, at 12. The Court of Appeals determined that the defendant had made a sufficient showing to support his request to modify restitution pursuant to 18 U.S.C. § 3664(k). At the same time, however, the Court of Appeals also cautioned while the district court has jurisdiction to hear the request, "this appears to be a matter more aptly dealt with by the

divorce court.” *Id.* at 11.

The court shall conduct a hearing on the issues raised by the defendant’s Motion for Modification of Restitution on January 12, 2015, at 9:00 a.m.

The parties may submit additional briefs on the issues of restitution no later than November 25, 2014, including whether under appropriate principles of comity, the court should defer such decisions to the Kansas state court overseeing the divorce action.

In addition, the United States shall file a response to defendant’s most recent Motion to Modify Supervised Relief (Dkt. 121) on or before November 25, 2014.

IT IS SO ORDERED this 10<sup>th</sup> day of November, 2014.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE