

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 24-cv-03301-____-____

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK PIPKIN, a/k/a Patrick Leroy Pipkin, a/k/a Patrick-Leroy:Pipkin,
BRYAN HAMMON, a/k/a Bryan Hugh Hammon, and
UNKNOWN INDIVIDUALS WHO ENGAGED IN UNLAWFUL FENCING OF THE
HALLAR DEED AREA OR WHO HAVE OTHERWISE ACTED IN CONCERT WITH AN
ASSOCIATION OF INDIVIDUALS CALLED THE “FREE LAND HOLDER
COMMITTEE,”

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

The United States of America brings this Complaint against two individuals, Patrick Leroy Pipkin and Bryan Hugh Hammon, as well as against unknown individuals who engaged in unlawful fencing of the Hallar Deed Area (as described below) or who have otherwise acted in concert with an association of individuals called the “Free Land Holder Committee.”

NATURE OF THE CASE

1. This is a civil action for declaratory and injunctive relief to enjoin the unlawful fencing of an area of federal public land in Montezuma County, Colorado, and other wrongful actions relating to that area. The United States has title to this land, which it manages through the U.S. Department of Agriculture, Forest Service, as part of the San

Juan National Forest. It refers to this land as the Hallar Deed Area in this Complaint. The public uses the Hallar Deed Area for many purposes, including recreation and grazing. Defendants have acted to unlawfully obstruct free passage across a large area of this land with miles of fenceposts and barbed wire. In addition, Defendant Pipkin has posted notices signed by him and purporting to exercise authority on behalf of a group called the “Free Land Holder Committee” to decide who may or may not use this public land. Defendants have neither permission from the United States nor any other legal right to do this. Defendants’ actions have caused significant harms to the United States and the public. The United States therefore seeks declaratory and injunctive relief to remedy Defendants’ actions, to prevent further obstruction or intimidation of lawful users of this popular area and further harm to the land and the public, and to ensure continuing free and lawful access to public property.

JURISDICTION

2. The Court has jurisdiction over this action under 28 U.S.C. § 1345, which vests the district courts with jurisdiction over all actions commenced by the United States; under 43 U.S.C. § 1062, which vests the district courts with jurisdiction over actions brought under the Unlawful Inclosures of Public Lands Act (UIA), 43 U.S.C. §§ 1061-66; and under 28 U.S.C. § 2201, which vests the district courts with authority to enter declaratory orders.

3. Venue is proper in this Court because the events giving rise to this action occurred, and the property that is the subject of the action is situated, in the District of Colorado. 28 U.S.C. § 1391(b)(2).

PARTIES

4. Plaintiff is the United States of America, acting through the United States Department of Agriculture, Forest Service (the Forest Service). The Forest Service is charged by federal law to manage, administer, and protect National Forest System (NFS) lands. 16 U.S.C. § 551; 36 C.F.R. §§ 251.50, 261.9, 261.10, 261.12. As set forth in more detail below, the Hallar Deed Area that is at issue in this case is NFS land within the San Juan National Forest. The United States has held title to the Hallar Deed Area ever since grantor Fred C. Hallar deeded the land to the United States by warranty deed in 1927.

5. Upon information and belief, Defendant Patrick Pipkin is a resident of Colorado. Mr. Pipkin was formerly a co-owner of the Blue Mountain Ranch, which is a private property adjacent to the lands that were unlawfully fenced in this case. In 2023, he and his fellow co-owners transferred title to the Blue Mountain Ranch to a Nevada trust bearing his initials called the “PJ Sunset P.L.P. Nevada Revocable Living Trust.” Mr. Pipkin still stays at the ranch.

6. In taking actions with respect to the Hallar Deed Area, Mr. Pipkin has represented that he is doing so as an “Ambassador” for an association of individuals calling themselves the Free Land Holder Committee (the Free Land Holders).

7. Upon information and belief, Defendant Bryan Hammon is a resident of Utah and is a member of the Free Land Holders.

8. Defendants also include “Unknown Individuals Who Engaged in Unlawful Fencing of the Hallar Deed Area or Who Have Otherwise Acted in Concert with an Association of Individuals Called the Free Land Holder Committee” (the FLHC

Defendants). These are individuals who participated in unlawfully fencing the Hallar Deed Area, or who are members of the Free Land Holders or have otherwise acted in concert with the named Defendants or other Free Land Holders. These unknown individuals include those individuals who were observed on the Hallar Deed Area by a Forest Service official responding to community reports of fencing activity on the land, those who were observed by members of the public who reported their observations to the Forest Service, and any others who have participated in any of the unlawful activity by the Free Land Holders that is described in this Complaint. Mr. Pipkin has also suggested in public statements that many more members of the Free Land Holders exist than those the Forest Service observed. The UIA permits the naming of such individuals by their description. See 43 U.S.C. § 1062 (permitting the commencement of a lawsuit to restrain the unlawful inclosure or obstruction of federal land upon the identification of “the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained”).

BACKGROUND

A. Statutory and regulatory background

9. The United States retains and manages NFS lands, including the Hallar Deed Area, pursuant to its powers under the Constitution, including the Property Clause, which gives Congress the power “to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.” U.S. Const. art. IV, § 3, cl. 2.

10. Acting through its authority under the Property Clause, Congress has provided for the reservation of certain federal lands for National Forest purposes, to improve and protect the forests, to secure favorable condition of water flow, and to furnish a continuous supply of timber. 16 U.S.C. § 475. NFS lands include “all national forest lands reserved or withdrawn from the public domain of the United States,” as well as “all national forest lands acquired through purchase, exchange, donation, or other means.” 16 U.S.C. § 1609(a).

11. Congress has empowered the Secretary of Agriculture to make rules and regulations to ensure the objects of forest reservations, to regulate their occupancy and use, and to preserve the forests thereon from destruction. 16 U.S.C. §§ 478, 551.

12. All use and occupancy of NFS land must comply with regulations of the Secretary of Agriculture. *Id.* § 551.

13. Regulations of the Secretary of Agriculture provide that all uses of NFS land are “special uses” and require Forest Service authorization, with enumerated exceptions that do not apply here. 36 C.F.R. § 251.50.

14. Among other things, the regulations prohibit:

- a. The constructing, placing, or maintaining any kind of fence or enclosure in National Forests without a special-use authorization, contract, or approved operating plan when such authorization is required. 36 C.F.R. § 261.10(a).
- b. The abandonment of any personal property. 36 C.F.R. § 261.10(e).

- c. The placing of any object in a manner that is an impediment or hazard to the safety or convenience of any person. 36 C.F.R. § 261.10(f).
- d. The use or occupancy of National Forest land without a special-use authorization when such authorization is required. 36 C.F.R. § 261.10(k).
- e. The use or occupancy of National Forest land without an approved operating plan when such authorization is required. 36 C.F.R. § 261.10(p).
- f. The damaging of any natural feature or other property of the United States. 36 C.F.R. § 261.9(a).
- g. The blocking, restricting, or interfering with any road, trail, or gate. 36 C.F.R. § 261.12(d).

15. One who enters the public lands of the United States without right is a trespasser.

16. The United States, like a private landholder, is entitled to protect its property against trespassers.

17. This Court may remedy a trespass on public lands by directing the removal of trespassing personal property from NFS lands, enjoining further unauthorized trespassing, and assessing unauthorized use fees.

18. The UIA prohibits the unauthorized inclosure, and the unfounded assertion of exclusive use and occupancy, of any public land of the United States:

All inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, ***to any of which land included within the inclosure the person***, party, association, or corporation ***making or controlling the inclosure had no claim or color of title made or acquired in good faith***, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, ***are declared to be unlawful***, and the maintenance, erection, construction, or control of any such inclosure is forbidden and prohibited; ***and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States*** in any State or any of the Territories of the United States, ***without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and prohibited.***

43 U.S.C. § 1061 (emphasis added).

19. Section 1063 of the UIA also prohibits unlawful fencing or other obstruction of public lands even when such actions do not amount to an inclosure:

No person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands. . . .

43 U.S.C. § 1063. This provision prohibits the unlawful obstruction of both people and animals.

20. The UIA vests the district court with jurisdiction “to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter.” 43 U.S.C. § 1062; *Camfield v. United States*, 167 U.S. 518, 522 (1897) (“By [§ 1062] jurisdiction is also conferred upon any United States district or circuit court, or territorial district court, having jurisdiction over the locality where the land inclosed, or any

part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of the act.”).

B. The relevant federal land

21. The United States of America is the owner of the Hallar Deed Area that Defendants unlawfully fenced. The Hallar Deed Area is in Montezuma County, Colorado, in the vicinity of the town of Mancos.

22. The Legal description of the Hallar Deed Area is:

New Mexico Principal Meridian, Colorado

T. 37 N., R. 13 W.,

sec. 21, E1/2;

sec. 22, SW1/4NW1/4 and W1/2SW1/4;

sec. 23, SW1/4NW1/4 and NW1/4SW1/4;

sec. 27, W1/2NW1/4 and NW1/4SW1/4;

sec. 28, E1/2, N1/2NW1/4, SE1/4NW1/4 and N1/2SW1/4NW1/4;

sec. 29, NE1/4NE1/4, N1/2SE1/4NE1/4, W1/2NW1/4, NE1/4SW1/4,
S1/2NE1/4SE1/4 and SE1/4SE1/4;

sec. 30, SE1/4NE1/4 and W1/2SE1/4.

The area described aggregates 1,460.00 acres.

23. A map of the Hallar Deed Area is attached as Exhibit 1. These lands were conveyed to the United States by warranty deed from Fred C. Hallar on March 24, 1927. While Defendants have claimed all these lands, their unlawful fencing was interrupted before it could be completed. Exhibit 2 shows the extent of the fencing of the Hallar Deed Area that occurred before it was stopped.

24. The Hallar Deed Area falls within the Mancos/Dolores Ranger District of the San Juan National Forest. The San Juan National Forest is a U.S. National Forest

established under the General Revision Act of 1891.¹ 16 U.S.C. § 471. This statute authorized the President to establish forest reserves from the public domain by proclamation.²

25. The original forest reserve that became the San Juan National Forest was named the San Juan Forest Reserve and was proclaimed by President Roosevelt on June 3, 1905. 34 Stat. 3070. Shortly thereafter, on June 13, 1905, the President proclaimed the Montezuma Forest Reserve. 34 Stat. 3106. President Roosevelt later enlarged the Montezuma Forest Reserve in 1907. 34 Stat. 3307 (March 2, 1907). The original and enlarged Montezuma Forest Reserve lands became part of the San Juan National Forest in 1947. Public Land Order 400, 12 FR 5849 (August 30, 1947).

26. The Hallar Deed Area falls within the enlargement of the Montezuma Forest Reserve proclaimed by President Roosevelt in 1907.

27. The Hallar Deed Area left the public domain from 1896 to 1914 by patent to several private owners pursuant to the 1862 Homestead Act or the Land Act of 1820 through cash entry. These lands were acquired by Fred C. Hallar from their owners. Mr. Hallar then proposed an exchange of these lands for timber on NFS lands. The exchange was accepted, and Mr. Hallar conveyed the 1,460 acres comprising the Hallar Deed Area to the United States by warranty deed on March 24, 1927. One of the reasons the Forest Service sought to reacquire the Hallar Deed Area was for watershed protection.

¹ Section 24 of the Act is also known as the Forest Reserve or Creative Act.

² This statute was later repealed by the Federal Land Policy Management Act of 1976.

28. Members of the public use the Hallar Deed Area for recreation nearly every day. Recreational uses include, but are not limited to, trail running, hiking, bike riding, horseback riding, dog walking, hunting, skiing, and snowshoeing. Forest Service-designated trails within the Hallar Deed Area include the Lost Chicken, Blue Jay, Rush Trail South, and Rush Trail North trails, as well as a network of cross-country ski trails.

29. On just one trail, the Blue Jay trail, the Forest Service counted thousands of individual visits from May through October 2024. The Forest Service logs a single, out-and-back use of the trail as two visits, and it counted 5,058 visits during this period.

30. A high school cross-country meet called the Chicken Creek Challenge has also been held on area trails for many years, with a recent permit for the event contemplating as many as 400 runners and 250 spectators.

31. Members of the public also use the Hallar Deed Area for grazing. Grazing is managed on allotments and authorized by permits issued by the Forest Service. The Hallar Deed Area impacts two allotments. The Turkey Creek allotment is in the north where permittees Gerald and Carla Koppenhafer and Bruce and Elizabeth Tozer graze over 300 cattle from May 26th through October 15th. The Spring Creek allotment is in the south where permittees Terry and Lane Cox and Keith and Cassie Alexander graze around 200 cattle from June 1st through October 15th.

C. The Blue Mountain Ranch

32. The Blue Mountain Ranch is the following private property:

New Mexico Principal Meridian, Colorado
T. 37 N., R. 13 W.,
sec. 28, S1/2SW1/4NW1/4;

sec. 29, S1/2SE1/4NE1/4, N1/2NE1/4SE1/4, W1/2SE1/4 and SE1/4SW1/4.

The area described aggregates 180.00 acres.

33. The Blue Mountain Ranch shares non-contiguous borders with the Hallar Deed Area on several sides. In Exhibit 2, the Blue Mountain Ranch is the staircase-shaped, white-shaded area that appears in Sections 28 and 29.

34. The Blue Mountain Ranch has several outbuildings and a common meeting hall. In statements reported in an October 22, 2024, Denver Post article, Mr. Pipkin referred to this building as “the Free Land Holder Committee’s meeting hall.” The article suggests that the Blue Mountain Ranch is a locus of Free Land Holders activity.

D. The unlawful fencing

35. Starting on or about October 5, 2024, Defendants Pipkin, Hammon, and other FLHC Defendants, acting in concert, entered the Hallar Deed Area and began constructing a new fence that obstructed free passage or transit over or through the Hallar Deed Area.

36. Defendants erected this fencing without any permission or agreement of the Forest Service.

37. Defendants constructed this fence by laying purported survey markers, tying neon surveyor’s tape to trees, removing vegetation and trees, installing metal fenceposts and wooden and metal braces, and stringing barbed wire on the fenceposts and braces through NFS lands along the boundary of the Hallar Deed Area.

38. In total, Defendants ultimately surveyed or fully fenced several miles of fence line in the Hallar Deed Area and entirely within NFS land.

39. Defendants erected this fencing, or participated in causing it to be erected, even though none of Defendants have any good-faith claim or color of title to the land.

40. On October 5, 2024, Forest Service Law Enforcement Officer Michael Bugosh received a report that a fence was actively being constructed on NFS land and responded to the area. He encountered several vehicles and approximately four adult males and one juvenile male in the vicinity of a newly constructed fence line within the Hallar Deed Area. Some of the individuals were riding off-highway vehicles along the fence line, and some were wearing heavy work gloves. Shortly after Officer Bugosh's arrival, a pickup truck arrived towing a trailer with fencing materials on it.

41. Officer Bugosh informed these individuals he was responding to a report that a fence was being constructed on Forest Service land. The leader of the group asked for proof it was Forest Service land. Officer Bugosh showed the leader of the group a map on his cell phone indicating they were on Forest Service land and offered to look up the land on the county tax assessor's mobile app.

42. Officer Bugosh asked that the individuals identify themselves, but they did not do so.

43. The leader of the group asserted that the lands belonged to the "Republic of the United States of America," which he claimed is a different entity than the United States, and that the United States had forever prohibited him and his associates from joining the United States. He asked Officer Bugosh whether the Forest Service had a "contract" to conduct law enforcement activity in the area. He also said that he is a "habitant Free Land Holder of the Republic."

44. The leader of the group stated that he wanted to call Montezuma County Sheriff Steve Nowlin, and so Officer Bugosh called Sheriff Nowlin.

45. Sheriff Nowlin informed Officer Bugosh he was familiar with the group and had spoken to their leader, named Patrick, who had showed him documents Patrick believed showed lawful ownership of the land. Officer Bugosh asked the leader on scene if he was Patrick, and he conceded that he was. Officer Bugosh recalled that a Patrick Pipkin owned a nearby private land parcel. The leader of the group subsequently confirmed that he is Patrick Pipkin.

46. Officer Bugosh informed Mr. Pipkin that he was going to take some photographs of the fence. Mr. Pipkin directed Officer Bugosh not to come onto his claim. Officer Bugosh stated he would not leave the roadway and Mr. Pipkin allowed him to enter the Hallar Deed Area on the road.

47. Mr. Pipkin asserted that he and those with him had a claim on the land and provided Officer Bugosh a copy of the Hallar warranty deed that conveyed ownership to the United States in 1927. Mr. Pipkin showed Officer Bugosh a Utah land patent that bore the name Patrick Leroy Pipkin and asserted this was his identification. He explained that those with him are Free Land Holders. Mr. Pipkin suggested that the Hallar deed granted the land not to the United States but rather to the “Republic of the United States of America” of which Mr. Pipkin and the Free Land Holders are members.

48. An October 22, 2024, article in the Denver Post reports Mr. Pipkin’s view that the Hallar deed granted the land to the Republic because, like the Articles of

Confederation, it used a capital “T” when it granted the 1,460 acres to “T”he United States of America.

49. Officer Bugosh suggested to Mr. Pipkin that a judge may not agree with the Free Land Holders’ land claim. Mr. Pipkin said it would have to be the United States Supreme Court as an “Article III Court” that decides. He also stated that courts do not have “standing” over the Treaty of Guadalupe Hidalgo, which he suggested also ceded land to the “Republic.”

50. During Officer Bugosh’s encounter with Mr. Pipkin, several other adult males arrived, who Mr. Pipkin identified as Free Land Holders. Mr. Pipkin told Officer Bugosh that the Free Land Holders are peaceful. He suggested that his private lands in the area are held by a trust. After consulting with his supervisor, Officer Bugosh departed from the scene due to the number of individuals present and their refusal to identify themselves.

51. None of the documents or assertions Mr. Pipkin provided to Officer Bugosh showed any good-faith claim or color of title or any other right to erect an unpermitted fence in the Hallar Deed Area.

52. While only Mr. Pipkin identified himself at the time, the United States has subsequently identified Mr. Hammon as among those present on October 5, 2024, and engaging in fencing activity in the Hallar Deed Area. The other individuals on the scene are among those named in this Complaint as the FLHC Defendants.

53. One or more Defendants continued constructing unauthorized fencing in the Hallar Deed Area in the ensuing days.

54. No Defendant has any good-faith claim or color of title to the Hallar Deed Area upon which they constructed their fencing.

55. The fencing constructed by Defendants in the Hallar Deed Area amounted to an effort to inclose public land, to exercise exclusive control over that land, and to effectively withdraw that land from public access except through Defendants' consent.

E. The obstruction and hindrance of public access

56. Defendants' fencing of the Hallar Deed Area also hindered lawful access to and free passage across public lands in violation of 43 U.S.C. § 1063. While the fence that they erected had openings in it where it intersected some trails and roads, the fencing nonetheless prevented or obstructed free passage to or transit over or through the Hallar Deed Area.

57. The fence also reflected an effort to mark off, obstruct, and assert control over the land and thus constituted an unlawful inclosure of public lands in violation of 43 U.S.C. § 1061.

58. The fence that Defendants erected obstructed the free passage of livestock that was present in the Hallar Deed Area under lawfully obtained grazing permits. The fence interfered with the seasonal movement of cattle out of the Hallar Deed Area. In an October 22, 2024, article in the Denver Post, local rancher Gerald Koppenhafer explained that the fencing intersected with other fences that he and another rancher had previously set up with the permission of the Forest Service. According to Mr. Koppenhafer, the wedges that these intersections created on the Hallar Deed Area trapped cows and, at certain points, separated calves from their mothers.

59. Another Denver Post article noted that Mancos School District Superintendent Todd Cordrey relocated the 2024 Chicken Creek Challenge cross-country meet to a new location after learning of Defendants' actions.

60. The fencing also crossed cross-country ski trails within the Hallar Deed Area. In the same Denver Post article, local resident Brad Finch, who volunteers with the Chicken Creek Nordic Association, stated that the fence crossed the cross-country skiing trails in the Hallar Deed Area five times. He was also quoted, in an October 14, 2024, article in Aspen Public Radio, as saying that the fence bore a substantial risk of interfering with the passage of wildlife through the area, especially fawns and elk calves.

61. Because of Defendants' actions on and relating to the Hallar Deed Area, members of the public who use the Hallar Deed Area for recreation and grazing planned a protest and to gather on the land and remove the fencing that Defendants erected or caused to be erected on the land.

F. The refusal to remove the fencing

62. On October 9, 2024, Forest Service District Ranger Nicholas Mustoe met with Mr. Pipkin at the Forest Service's Dolores Public Lands Office to discuss the fencing and Defendants' actions. Mr. Pipkin was accompanied by several other individuals when he arrived.

63. Ranger Mustoe handed Mr. Pipkin a letter that, among other things, requested that he immediately remove from the Hallar Deed Area the fencing Defendants had previously erected.

64. Mr. Pipkin read the letter but did not agree to remove the fencing. Instead, he asked to speak to a diplomat from the United States.

65. Mr. Pipkin and Ranger Mustoe discussed several documents that Mr. Pipkin claimed substantiate the Free Land Holders' claim to the land. Those documents included the 1927 Hallar deed, the Treaty of Guadalupe Hidalgo, the Treaty of Ghent, the Articles of Confederation, the First Continental Congress Petition to King George III, the Declaration of Independence, the Treaty of Paris, the Constitution of the United States, the Louisiana Purchase Treaty, the Enabling Act for the State of Utah, and a deed for property in Utah.

66. None of these documents establish any good-faith claim or color of title or any other right to erect an unpermitted fence in the Hallar Deed Area.

67. Later that same day, Montezuma County Sheriff Steve Nowlin issued a news release concerning the dispute.

68. In the news release, Sheriff Nowlin said his office was aware of Defendants' fencing activity and that there was a protest planned for the next afternoon, October 10, 2024. He "ask[ed] that Montezuma County citizens refrain from gathering in the area and/or attempting to remove fencing." He urged that citizens "allow the judicial system to proceed as it would in any property dispute."

G. Local residents' dismantling of the fencing

69. On October 10, 2024, a group of local residents traveled to the Hallar Deed Area and began dismantling the fencing material that Defendants had installed. Their

efforts were reported to interested local organizations and the news media, and personnel from the Montezuma County Sheriff's Office were present to observe this activity.

70. The Denver Post reported that residents took down many of Defendants' fenceposts and their barbed wire. The residents dismantled several miles of fencing and piled the material on NFS land.

71. According to an October 13, 2024, article in the Durango Herald, on October 11, 2024, several residents returned to the Hallar Deed Area to continue the work of dismantling the fencing that Defendants had installed. According to the article, in the afternoon, one or more Defendants went to the Hallar Deed Area and met members of the public who were there to remove the fencing. These Defendants had documents with them that they claimed would prove their ownership of the land. As with the documents Mr. Pipkin previously presented to the Forest Service, these documents reportedly did not include any deed in any Defendant's name, and thus did not substantiate any good-faith claim or color of title to the land.

72. According to the Durango Herald, several of the residents feared an escalation of tensions with Defendants present and stopped dismantling the fence and left the area.

H. Mr. Pipkin's continuing proclamations of authority over the land

73. On October 9, 2024, Mr. Pipkin, purporting to act as an "Ambassador" for the Free Land Holders, signed a "Proclamation" that was then posted in Mancos.

74. In the "Proclamation," Mr. Pipkin asserted the Free Land Holders' rights of ownership over the Hallar Deed Area. The Proclamation appeared to contemplate that

the Free Land Holders would erect more fencing and that they intended to stop respecting existing grazing rights on the land beginning in 2025. The Proclamation stated that “any existing cattle grazing rights. . . issued prior to any claims by the Free Land Holders shall be honored until expiration of the annual year of 2024,” and that “all Free Land Holder Committee fencing shall include ample openings for grazing cattle and shall not prohibit the grazing cattle to ingress or egress from Free Land Holder land claims of republic lands.”

75. On October 18, 2024, Mr. Pipkin, claiming to be acting as an “Ambassador” for the Free Land Holders, signed a “Notice of Claim” that was posted at the U.S. Post Office in Mancos. The Notice of Claim states that it “does not supersede” the “Proclamation” of October 9, 2024. As with the Proclamation, the “Notice of Claim” suggested that the Free Land Holders claim the land. The Notice asserts the rights of the Free Land Holder Committee to “Lands on The Treaty of Guadalupe Hidalgo and The United States of America Republic,” and sets forth a legal description of land that matches the legal description of the 1927 Hallar deed to the United States. It also sets a deadline of December 15, 2024, for “all those with an equal, previous or superior claim” to reply “or be it this claim has been resolved forever.”

76. Members of the local community have expressed concern that Defendants’ actions and statements are interfering with public use of the land and reflect an effort to revoke federal grazing allotments on the land. On October 18, 2024, several members of the public sent a letter to Senator Michael Bennet, Senator John Hickenlooper, Representative Doug Lamborn, Representative Lauren Boebert, Governor Jared Polis,

Colorado State Representative Barbara McLachlan, and the Montezuma County Board of County Commissioners requesting their “assistance in demanding immediate action from the San Juan National Forest, the US Forest Service (USFS), and the Montezuma County Sheriff to stop all illegal actions by the so-called *free land holder committee* and Patrick Pipkin.” (Emphasis in original.) The letter explained:

In October of 2024, this alleged sovereign citizen group claimed to have ownership of approximately 1460 acres of National Forest Land. This group has illegally surveyed, cleared, and installed 4.0 miles of barb wire fence line in the Chicken Creek Area of the Dolores Ranger District of the San Juan National Forest north of Mancos, Colorado in Montezuma County Colorado. This area is public land and used for legal cattle grazing, hunting (CPW Unit 73), recreational activities and wildlife habitat. The group has stated in writing that they would revoke federal grazing allotments on that property, which is contrary to legal contracts with the USFS.

We are requesting the USFS conduct a rigorous investigation into these illegal actions. The entire community has been impacted; due to safety concerns the public school has cancelled use of the area, recreational users feel unsafe and grazing allotment holders have been negatively impacted.

All current and future destruction of the vegetation and land, surveying and construction of fencing within the public lands of Colorado which has been ravaged by the *free landholder committee* must stop.

We request that there be immediate legal repercussions to the free land holder committee that do not respect our public lands and federal and state laws.

(Emphasis in original.) The letter was signed by representatives of the Mesa Verde Back Country Horsemen, the Chicken Creek Nordic Association, the Mancos Trail Group, the Mancos Valley Chamber of Commerce, as well as two grazing allotment holders and other local residents.

77. During the week of October 22, 2024, one or more Defendants removed some of the piled fencing materials that members of the public had taken down and stacked on NFS lands.

78. Forest Service officials later observed some of these materials located on the Blue Mountain Ranch property.

79. Despite this removal, substantial quantities of fencing materials that Defendants placed or caused to be placed in the Hallar Deed Area are still present on federal land. Several fenceposts that Defendants installed or caused to be installed are still erected, and several braces are also present.

80. Some of the remaining materials present a hazard to the public. While local residents have taken down and piled substantial quantities of barbed wire that Defendants installed or caused to be installed on the land, some barbed wire remains on federal land.

81. Mr. Pipkin has continued to post public notices stating that the Free Land Holders claim the Hallar Deed Area and reiterating the December 15 deadline. On approximately six additional occasions, and most recently on November 25, 2024, additional "Notice[s] of Claim," signed by Mr. Pipkin, were posted at the Mancos Post Office. These notices are substantially identical to the Notice of Claim posted on October 18.

82. On November 4, 2024, the Forest Service sent a notice to Mr. Pipkin by certified mail to the Blue Mountain Ranch and another address in Utah again informing him that he does not have permission to leave personal property on NFS lands and that if he does not remove the coiled barbed wire and braces that Defendants placed on the

Hallar Deed Area by November 9, 2024, the Forest Service would have the property removed.

83. To date, neither Mr. Pipkin nor any other Defendant has signed a certified mail receipt for this notice or otherwise responded to it. Defendants have thus refused to remove their remaining fencing materials.

84. Local residents have concerns that conflicts with Defendants will escalate if Defendants' claims to the land go unchecked.

85. Defendants' past fencing in the Hallar Deed Area, their groundless assertions of the right to control the Hallar Deed Area, their illegal actions on public land, and their stated intention to honor the United States' and the public's rights in the Hallar Deed Area only until December 15, 2024, or the end of the year, show that judicial intervention is needed to prevent Defendants from taking further unlawful action with regard to the Hallar Deed Area.

86. The legal authority over the land at issue was transferred to the authority of the Secretary of Agriculture, 16 U.S.C. §§ 471, 472, and the Secretary of Agriculture has, through his duly authorized and delegated representatives, authorized and approved a civil action by the United States Attorney under the UIA.

**FIRST CLAIM FOR RELIEF
(Against all Defendants)
UNLAWFUL INCLOSURE AND WRONGFUL CLAIMS OF EXCLUSIVE USE
IN VIOLATION OF THE UNLAWFUL INCLOSURES ACT (43 U.S.C. § 1061)**

87. The United States incorporates the allegations set forth in paragraphs 1 through 86.

88. The Hallar Deed Area is public land. The United States has held title to, and possession of, the Hallar Deed Area since 1927 and at all times relevant to this action.

89. Through their actions described above, Defendants, without permission from the United States, made, erected, or constructed, or caused to be constructed, fencing that marked off their claim to the Hallar Deed Area, obstructed passage on the land, interfered with lawful uses of the public land, and constituted a claim of ownership and right to the land.

90. This inclosure of the Hallar Deed Area was made without any claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith.

91. Since erecting the fencing, Defendant have also failed to remove all their fencing materials, which they are under a duty to remove.

92. The conduct by Defendants violates 43 U.S.C. § 1061, which provides in relevant part, “[a]ll inclosures of any public lands in any State or Territory of the United States. . . to any of which land included within the inclosure the person. . . making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land office under the general laws of the United States at the time any such inclosure was or shall be made, are declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is forbidden and prohibited.” Defendants’ conduct amounts to the making or controlling of an unlawful inclosure within the meaning of the UIA.

93. In addition, Defendants have asserted a right to the exclusive use and occupancy of the Hallar Deed Area without claim, color of title, or asserted right. They have done so through their actions described above, including both the unlawful fencing activities described above, as well as the postings claiming private ownership of the land, announcing deadlines for others to submit claims to the land to the Free Land Holders after which the Free Land Holders' claim will be "resolved forever," and setting deadlines for the expiration of federal grazing rights.

94. The actions and statements by Defendants have shown their effort and intention to assert rights, control, and authority over the Hallar Deed Area on December 15, 2024, and to cease to honor the public's existing grazing rights in the Hallar Deed Area at the end of 2024. These intentions are contrary to the expressed directives of Forest Service officers acting under the authority of the Secretary of Agriculture to Mr. Pipkin to cease his trespass.

95. This conduct by Defendants amounts to an unlawful claim of exclusive right to the land and violates 43 U.S.C. § 1061, which provides in relevant part that "the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States . . . without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and prohibited."

96. The UIA grants the United States the authority to bring a civil action in district court to enjoin violations of conduct violating the UIA, identifying "the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable

inquiry be ascertained” and “against the parties named or described” responsible for the unlawful conduct. 43 U.S.C. § 1062.

97. The UIA provides that if an inclosure is “found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.” 43 U.S.C. § 1062.

98. Unless enjoined, Defendants will continue to interfere with the United States’ lawful protection, administration, and control of the Hallar Deed Area, and the public’s use of the area, causing irreparable harm to the United States, to users of the public lands, and to animals and wildlife.

**SECOND CLAIM FOR RELIEF
(Against all Defendants)
UNLAWFUL OBSTRUCTION AND PREVENTION
IN VIOLATION OF THE UNLAWFUL INCLOSURES ACT (43 U.S.C. § 1063)**

99. The United States incorporates the allegations set forth in paragraphs 1 through 98.

100. Through their actions described above, Defendants have, by fencing, inclosing, and other unlawful means (including violations of agency regulations), obstructed or prevented, or combined with others to obstruct or prevent, other persons from peaceably entering upon the Hallar Deed Area, and likewise obstructed or prevented, or combined with others to obstruct or prevent, free passage and transit over or through that area.

101. The actions of Defendants described above are unlawful. The UIA provides, in 43 U.S.C. § 1063, in relevant part, that “[n]o person, by force, threats, intimidation, or

by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands.”

102. This Court has jurisdiction to enjoin violations of the UIA, including of Section 1063. 43 U.S.C. § 1062, provides, in relevant part, that “jurisdiction is also conferred on any United States district court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this chapter.” Section 1063 is one of the provisions of that chapter.

103. Unless enjoined, Defendants will continue to claim, obstruct, and use the Hallar Deed Area and interfere with the United States’ lawful protection, administration, and control of the Hallar Deed Area, and the public’s lawful use of the area, causing irreparable harm to the United States, the public, and animals. The postings on behalf of the Free Land Holders appear to contemplate future fencing and set deadlines that appear to contemplate control of the land, and interference with grazing rights, by the Free Land Holders beginning around December 15, 2024.

THIRD CLAIM FOR RELIEF
(Against all Defendants)
TRESPASS CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF

104. The United States incorporates the allegations set forth in paragraphs 1 through 103.

105. The United States has held title to, and possession of, the Hallar Deed Area since 1927 and at all times relevant to this action.

106. Defendants erected fencing on the Hallar Deed Area without permission.

107. Defendants have also failed to remove their fencing materials after Mr. Pipkin received a written demand to do so from the Forest Service at the October 9, 2024, meeting with Ranger Mustoe.

108. Defendants' unauthorized use and attempt to unlawfully fence the Hallar Deed Area constitutes a continuing trespass that will persist unless permanently enjoined.

109. The United States has authority, in its capacity as a landowner, to pursue actions available to a landowner, including actions in tort.

110. The Court has authority to enjoin an ongoing or threatened tort, including a trespass.

111. The United States seeks a preliminary and permanent injunction prohibiting Defendants from placing or leaving unauthorized personal property on NFS lands.

PRAYER FOR RELIEF

WHEREFORE, the United States of America requests the following relief:

112. A declaratory judgment declaring that Defendants do not have the right to fence, obstruct, or claim exclusive rights to control the use of the Hallar Deed Area, and that such a claim is without legal right;

113. An injunction directing Defendants, and anyone acting in concert or privity with Defendants, to immediately remove any remaining personal property they have placed on the Hallar Deed Area, including, but not limited to, any surveyor's tape, survey

markers, fenceposts, wooden or metal braces, barbed wire, or trespassing signs or other notices;

114. A preliminary and permanent injunction prohibiting Defendants, and anyone acting in concert or privity with Defendants, from:

- a. placing or installing any personal property on the Hallar Deed Area, including, but not limited to, any surveyor's tape, survey markers, fenceposts, wooden or metal braces, barbed wire, or trespassing signs or other notices;
- b. preventing or obstructing in any way the free passage to or transit over or through the Hallar Deed Area;
- c. inclosing in any way any portion of the Hallar Deed Area;
- d. otherwise taking any action with respect to the Hallar Deed Area that would violate §§ 1061 or 1063 of the Unlawful Inclosures Act, 43 U.S.C. §§ 1061, 1063; and
- e. otherwise interfering with, obstructing, or impeding the United States and the public from their use, access, and occupancy of the Hallar Deed Area;

115. An award of costs; and

116. Any other relief that the Court deems proper.

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Dated: November 26, 2024.

Respectfully submitted,

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