

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Daniel D. Domenico**

Civil Action No. 1:24-cv-03301-DDD-NRN

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.

**ORDER ADOPTING RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge N. Reid Neureiter recommends that I grant Plaintiff United States of America’s motion for summary judgment against Defendants Patrick Pipkin and Bryan Hammon.¹ Doc. 63. For the following reasons, Mr. Pipkin’s and Mr. Hammon’s objections to Magistrate Judge Neureiter’s recommendation are overruled, and the United States’ motion, Doc. 59, is granted.

¹ These defendants are identified in the complaint as Patrick Pipkin and Bryan Hammon. *See* Doc. 1. They have indicated that, depending on the context, they wish to be addressed or identified as “The Man,” “:patrick:” or “Patrick-Leroy:Pipkin” and “The Man Bryan,” “:bryan:” or “Bryan-Hugh:Hammon.” *See, e.g.,* Doc. 36 at 1; Doc. 71 at 4; Doc. 72 at 4; Doc. 102 at 3; Doc. 103 at 3-4. For clarity, I will refer to them in this Order as Mr. Pipkin and Mr. Hammon.

BACKGROUND²

Magistrate Judge Neureiter’s recommendation sets forth a thorough recitation of the facts and allegations in this case, which I will not repeat here. *See* Doc. 63 at 2-6. In brief, the United States claims that the defendants have unlawfully fenced in and claimed authority over an area of federal public land in Montezuma County, Colorado, to which the United States holds title. The land in question is known as the Hallar Deed Area and is part of the San Juan National Forest. As relief, the United States seeks (1) a declaration that the defendants do not have the right to fence, obstruct, or claim exclusive rights to control use of the Hallar Deed Area, and (2) a permanent injunction prohibiting the defendants from placing or installing any personal property on, preventing or obstructing free passage over, or inclosing any portion of the Hallar Deed Area. *See* Doc. 1 at 27-28.

On September 10, 2025, the United States filed a motion for summary judgment against Mr. Pipkin and Mr. Hammon. Doc. 59; *see also* Doc. 62 (conventionally submitted exhibits). Mr. Pipkin and Mr. Hammon do not have an address on record with the Court.³ The Certificate of Service attached to the motion for summary judgment states that the United States’ counsel delivered the motion to Mr. Pipkin (1) at a mailing address in Mancos, Colorado; (2) at a P.O. Box in Hildale, Utah; and (3) by email, and to Mr. Hammon (1) at the same mailing address in Mancos, Colorado; (2) at a mailing address in Hildale, Utah; and (3) by

² In this Order, pinpoint citations to the record use the blue page number appended by the Court’s Electronic Case Filing system at the top of each page, which may differ from a document’s internal pagination.

³ Mr. Pipkin and Mr. Hammon have represented to the Court that they “hav[e] no address.” Doc. 71 at 4; Doc. 72 at 4. They state that they have “land patents” that describe the “private location[s] . . . that [they] travel[] to and from,” but they object to placing those land patents on the record. Doc. 71 at 4, 7; Doc. 72 at 4, 7.

email. Doc. 59 at 22. Pursuant to this District's Local Civil Rules and the Federal Rules of Civil Procedure, Mr. Pipkin's and Mr. Hammon's responses to the motion were due no later than October 6, 2025. Local Civ. R. 7.1(d); Fed. R. Civ. P. 6(d), (a)(1)(C). They did not file any response by that date.

On November 21, 2025, Magistrate Judge Neureiter issued his recommendation that the motion for summary judgment be granted. Doc. 63. On December 5, 2025, Mr. Pipkin and Mr. Hammon filed a document titled "Presenters' Exceptions and Repudiation to Magistrate Judge's Report and Recommendation on Plaintiff's Motion for Summary Judgment ([ECF NO. 59])," Doc. 64, which I construe as timely objections to Magistrate Judge Neureiter's recommendation. *See* Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1).

LEGAL STANDARDS

I. Pro Se Parties

Because Mr. Pipkin and Mr. Hammon are not represented by an attorney, I must construe their pleadings liberally, but I may not assume the role of advocate on their behalf. *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991); *Whitney v. New Mexico*, 113 F.3d 1170, 1173-74 (10th Cir. 1997). Pro se parties must follow same rules of procedure that govern represented litigants. *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005).

II. Magistrate Judge Recommendation

When reviewing a magistrate judge's recommended disposition of a matter that is dispositive of a party's claim or defense, a district judge must conduct a de novo review of those parts of the recommendation that have been properly objected to. Fed. R. Civ. P. 72(b)(2)-(3); 18 U.S.C. § 636(b)(1). To preserve an issue for de novo review, a party's objections

must be both timely and “sufficiently specific to focus the district court’s attention on the factual and legal issues that are truly in dispute.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1059-60 (10th Cir. 1996). As to those parts of a recommendation to which no timely, specific objection has been made, the district judge may review the magistrate judge’s factual and legal conclusions under any standard the district judge deems appropriate. *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991). Upon review, the district judge “may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); *see also* 18 U.S.C. § 636(b)(1).

III. Motion for Summary Judgment

A district court must grant summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). A fact is material if it could affect the outcome of the suit under the governing law, and a factual dispute is genuine if a rational jury could find for the nonmoving party on the evidence presented. *Adamson v. Multi Cmty. Diversified Servs., Inc.*, 514 F.3d 1136, 1145 (10th Cir. 2008). The party moving for summary judgment bears the burden of demonstrating that no genuine dispute of material fact exists. *Id.* Once the moving party has met its initial burden, the burden shifts to the nonmoving party to set forth specific facts showing there is a genuine issue for trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986).

In considering a motion for summary judgment, courts do not weigh the evidence, and instead must view it and draw all reasonable inferences from it in the light most favorable to the nonmoving party. *Adamson*, 514 F.3d at 1145; *Scott v. Harris*, 550 U.S. 372, 378 (2007). But a nonmovant’s unsupported conclusory allegations or mere traces of

evidence are not sufficient to demonstrate a genuine factual dispute. *Maxey v. Rest. Concepts II, LLC*, 654 F. Supp. 2d 1284, 1291 (D. Colo. 2009); *Scott*, 550 U.S. at 380 (“The mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no genuine issue of material fact.”). The nonmovant must offer “specific facts that would be admissible in evidence in the event of trial, from which a rational trier of fact could find for the nonmovant.” *Adler v. Wal-Mart Stores, Inc.*, 144 F.3d 664, 671 (10th Cir. 1998). “If a party fails to properly support an assertion of fact or fails to properly address another party’s assertion of fact . . . the court may . . . consider the fact undisputed for purposes of the motion.” Fed. R. Civ. P. 56(e)(2). If a reasonable juror could not return a verdict for the nonmoving party, summary judgment is proper, and there is no need for a trial. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

DISCUSSION

I. Responses to Motion for Summary Judgment

Mr. Pipkin and Mr. Hammon have filed documents that I construe as requests to correct Docs. 65-66 and for leave to resubmit Docs. 75-80 in order to correct mis-scanned or omitted pages. Docs. 86-87, 89-92. Those requests are granted. I have considered pages 1-6 of Doc. 66 as an exhibit to Doc. 65, and I have not considered those pages as part of Doc. 66. The filings at Docs. 93-96 and 100-101 are accepted for filing in place of Docs. 75-80, and I have considered them as if they were filed on February 2, 2026.

I construe Docs. 93-96 and 100-101 to be Mr. Pipkin’s and Mr. Hammon’s responses and exhibits in opposition to the United States’ motion for summary judgment. Those documents, even if considered as filed on February 2, 2026, are untimely. As noted above, the motion for

summary judgment was served on September 10, 2025, and Mr. Pipkin's and Mr. Hammon's responses to the motion were due no later than October 6, 2025. Mr. Pipkin and Mr. Hammon assert that they were not properly served with the motion for summary judgment, Docs. 65-66, 71-72, 111-112, but service was complete when the United States mailed the motion and accompanying exhibits to their last known addresses. Fed. R. Civ. P. 5(b)(2)(C); *see also* Doc. 68-1. Though Mr. Pipkin and Mr. Hammon may wish to receive service by email or by hand delivery to locations described by metes and bounds, *see* Docs. 65 at 2-3; Doc. 66 at 8-9; Doc. 111 at 9-11; Doc. 112 at 9-11, the Federal Rules of Civil Procedure do not require the United States to use their preferred methods of service. *See* Fed. R. Civ. P. 5(b)(2). And they acknowledge that Mr. Pipkin received a copy of the motion (sans exhibits) by email on the day it was filed and shared it with Mr. Hammon. Doc. 65 at 2; Doc. 65-1; Doc. 66 at 8; Doc. 66-1. They were thus on notice that the motion had been filed, and if they required more time to obtain copies of the exhibits to the motion or to gather evidence in opposition to the motion, they could have sought an extension of their response deadline, *see* Fed. R. Civ. P. 6(b)(1); Local Civ. R. 6.1(b); Fed. R. Civ. P. 56(d)(2), but they did not.

Mr. Pipkin's and Mr. Hammon's notices and presentments regarding the purportedly defective service, Docs. 65-66, 71-72, 111-112, were filed after their deadline to object to Magistrate Judge Neureiter's recommendation and months after their deadline to respond to the summary-judgment motion, and they demonstrate neither excusable neglect for the failure to timely respond to the summary-judgment motion nor good cause for an extension of the deadline to do so. *See* Fed. R. Civ. P. 6(b)(1). Accordingly, the filings at Docs. 75-80, the corrected filings at Docs. 93-96 and 100-101, and the amended filings at Docs. 104-107 will be stricken as untimely.

II. Objections to Magistrate Judge Recommendation

Because Mr. Pipkin and Mr. Hammon did not timely respond to the motion for summary judgment, all of their objections to Magistrate Judge Neureiter's recommendation have been forfeited and can be overruled on that basis alone. *See United States v. Garfinkle*, 261 F.3d 1030, 1031 (10th Cir. 2001) ("In this circuit, theories raised for the first time in objections to the magistrate judge's report are deemed waived." (citing *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996))).

Even so, I have reviewed de novo the objected-to parts of the recommendation. I conclude as follows:

- This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1345 and 43 U.S.C. § 1062. The Court has personal jurisdiction over Mr. Pipkin and Mr. Hammon pursuant to Federal Rule of Civil Procedure 4(k)(1)(A). *See* Docs. 14-15; Doc. 54 at 2-3 & n.2; *Fuld v. Palestine Liberation Org.*, 606 U.S. 1, 11-12 (2025); *Align Corp. v. Boustred*, 421 P.3d 163, 167 (Colo. 2017).
- Because Mr. Pipkin and Mr. Hammon did not file a timely response to the summary-judgment motion, Magistrate Judge Neureiter properly considered the United States' supported facts as undisputed for purposes of the motion. *See* Fed. R. Civ. P. 56(c), (e)(2)-(3) ("If a party . . . fails to properly address another party's assertion of fact . . . the court may . . . consider the fact undisputed for purposes of the motion," and may "grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show the movant is entitled to it."); *Murray v. City of Tahlequah*, 312 F.3d 1196, 1200 (10th Cir. 2002) ("By failing to file a response within the time specified by the local rule, Murray waived the right to file a response and confessed all

facts asserted and properly supported in the summary judgment motion.”).

- Magistrate Judge Neureiter was not required to consider the documents and evidence Mr. Pipkin and Mr. Hammon filed before the United States filed its summary-judgment motion. “[T]he court cannot take on the responsibility of . . . constructing arguments and searching the record” for the parties. *Garrett*, 425 F.3d at 840. Without a response, the Court “will not search the record in an effort to determine whether there exists dormant evidence which might require submission of the case to a jury.” *Gross v. Burggraf Constr. Co.*, 53 F.3d 1531, 1546 (10th Cir. 1995) (citing *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991) (“Judges are not like pigs, hunting for truffles buried in briefs.”)).
- The United States’ properly supported facts, which are considered undisputed, demonstrate that the United States owns the Hallar Deed Area as a matter of law. Mr. Pipkin’s and Mr. Hammon’s asserted chain of publicly posted notices, proclamations, and the like does not have legal force and does not establish that they or the Free Land Holder Committee have “title by nature,” a good-faith claim to or “color of title,” “exclusive beneficial use,” or any other right to fence, inclose, exclude others from, or obstruct the free passage of people or livestock over any part of the Hallar Deed Area, nor does it demonstrate that the United States is equitably estopped from asserting its ownership rights. Mr. Pipkin’s and Mr. Hammon’s assertions to the contrary are not supported by citation to any case law holding otherwise on similar facts.
- There is no genuine dispute as to any material fact, and the United States is entitled to judgment as a matter of law that (1) Mr. Pipkin and Mr. Hammon unlawfully inclosed the Hallar Deed Area in violation of 43 U.S.C. § 1061; (2) Mr. Pipkin and

Mr. Hammon unlawfully obstructed the Hallar Deed Area in violation of 43 U.S.C. § 1063; and (3) Mr. Pipkin and Mr. Hammon unlawfully trespassed on the Hallar Deed Area.

- The applicable factors, *see Monsanto Co. v. Geertson Seed Farms*, 561 U.S. 139, 157 (2010); *Klein-Becker USA, LLC v. Englert*, 711 F.3d 1153, 1164 (10th Cir. 2013), support the entry of a permanent injunction in this case, and the specific injunctive relief requested by the United States and recommended by Magistrate Judge Neureiter is not unlawfully overbroad, vague, or punitive. I will not, however, include language enjoining Mr. Pipkin and Mr. Hammon from “taking any action with respect to the Hallar Deed Area that would violate §§ 1061 or 1063 of the [Unlawful Inclosures Act],” Doc. 63 at 17, because “generally, injunctions simply requiring the defendant to obey the law are too vague,” *Keyes v. Sch. Dist. No. 1*, 895 F.2d 659, 668 (10th Cir. 1990).

Mr. Pipkin’s and Mr. Hammon’s arguments otherwise are unpersuasive and legally incorrect. I have reviewed the parts of Magistrate Judge Neureiter’s recommendation to which no specific objection was made to satisfy myself that there is “no clear error on the face of the record.” Fed. R. Civ. P. 72(b) Advisory Committee Notes. There is not. The recommendation is a correct application of the facts and the law.

CONCLUSION

It is **ORDERED** that:

The Emergency Presentments, **Docs. 86-87**, and Presentments for Notice of Correction, **Docs. 89-92**, which I construe as motions to correct Docs. 65-66 and for leave to resubmit Docs. 75-80 in order to correct mis-scanned or omitted pages, are **GRANTED**;

The Notices of Incomplete and Insufficient Delivery, **Docs. 65-66**; Presenters’ Special, Limited-Purpose Judicial Cognizance Presentments

Regarding Service/Delivery of Exhibits for Plaintiff's Motion for Summary Judgment and Notice of Intended Presentment to Address the Motion, **Docs. 71-72**; and the Presentments of Repudiations, Exceptions, Tolling of Time, Substance over Form, and Non-Waiver, **Docs. 111-112**, to the extent they request any relief or seek an extension of time to respond to the United States' summary-judgment motion, are **DENIED**;

The Presentments of Exceptions and Repudiations to: UNITED STATES OF AMERICA, MOTION FOR SUMMARY JUDGMENT AND ENTRY OF A PERMANENT INJUNCTION AS TO DEFENDANTS PATRICK PIPKIN AND BRYAN HAMMON [ECF-59] and exhibits thereto, **Docs. 75-80**; the corrected Presentments of Exceptions and Repudiations to: UNITED STATES OF AMERICA, MOTION FOR SUMMARY JUDGMENT AND ENTRY OF A PERMANENT INJUNCTION AS TO DEFENDANTS PATRICK PIPKIN AND BRYAN HAMMON [ECF-59] and exhibits thereto, **Docs. 93-96, 100-101**; and the Amended Presentments of Exceptions and Repudiations to a MOTION FOR SUMMARY JUDGMENT AND ENTRY OF A PERMANENT INJUNCTION AS TO DEFENDANTS PATRICK PIPKIN AND BRYAN HAMMON [ECF-59] and exhibits thereto, **Docs. 104-107**, are **STRICKEN** as untimely;

Presenters' Exceptions and Repudiation to Magistrate Judge's Report and Recommendation on Plaintiff's Motion for Summary Judgment ([ECF NO. 59]), **Doc. 64**, which I construe as objections to Magistrate Judge Neureiter's recommendation at Doc. 63, are **OVERRULED**;

The Report and Recommendation on Plaintiff's Motion for Summary Judgment and Entry of a Permanent Injunction as to Defendants Patrick Pipkin and Bryan Hammon (ECF No. 59), **Doc. 63**, is **ACCEPTED** and **ADOPTED**;

The Motion for Summary Judgment and Entry of a Permanent Injunction as to Defendants Patrick Pipkin and Bryan Hammon, **Doc. 59**, is **GRANTED**;

The Presentments for Exceptions and Repudiations to Orders Entered April 8, 2026, **Docs. 102-103**, to the extent they request any relief or seek reconsideration of my orders at Docs. 97-99, are **DENIED**; and

The Presentments of Exceptions and Repudiations to [ECF No. 113] and Acceptance of Acquiescence to [ECF No. 111], **Docs. 114-115**, to the extent they request any relief, are **DENIED**.

It is **FURTHER ORDERED** that:

Pursuant to 28 U.S.C. § 2201, it is **DECLARED** that Defendants Patrick Pipkin (also known as Patrick Leroy Pipkin, :patrick:, and Patrick-Leroy:Pipkin) and Bryan Hammon (also known as Bryan Hugh Hammon, :bryan:, and Bryan-Hugh:Hammon) do not have the right to fence, obstruct, or claim exclusive rights to control the use of the Hallar Deed Area, and such a claim is without legal right; and

Pursuant to Federal Rule of Civil Procedure 65, Defendants Patrick Pipkin (also known as Patrick Leroy Pipkin, :patrick:, and Patrick-Leroy:Pipkin) and Bryan Hammon (also known as Bryan Hugh Hammon, :bryan:, and Bryan-Hugh:Hammon) and their officers, agents, servants, employees, attorneys, and any other persons who are in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are **PERMANENTLY ENJOINED** from:

- Placing or installing any unauthorized 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;

- Preventing or obstructing in any way the free passage to or transit over or through the Hallar Deed Area;
- Inclosing in any way any portion of the Hallar Deed Area; and
- Otherwise interfering with, obstructing, or impeding the United States or the public from their use, access, and occupancy of the Hallar Deed Area.

It is **FURTHER ORDERED** that Plaintiff United States of America may file a motion for default judgment against the unknown Free Land Holder Committee defendants within **three weeks** of the date of this Order. *See* Doc. 1 at 3-4; Doc. 50; Doc. 59 at 1 n.1. If no such motion is filed by that time, I will dismiss the claims against the unknown defendants without prejudice and close this case.

The Clerk of Court is **DIRECTED** to send a copy of this Order to patpip28@gmail.com and alaskanflyer@hotmail.com.

DATED: September 30, 2026

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Daniel D. Domenico', written over a horizontal line.

Daniel D. Domenico
Chief United States District Judge