
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<div style="text-align: center; margin-bottom: 20px;">_____, Plaintiff,</div> <div style="text-align: center; margin-bottom: 20px;">v.</div> <div style="text-align: center; margin-bottom: 20px;">_____, Defendant.</div>	<div style="text-align: center; margin-bottom: 20px;">RULE 62.1 MOTION FOR INDICATIVE RULING</div> <div style="text-align: center; margin-bottom: 20px;">Case No. _____</div> <div style="text-align: center;">District Judge _____</div>
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Plaintiff Brandon Michael Jeanpierre, pro se, hereby moves this Court pursuant to Federal Rule of Civil Procedure 62.1 for an indicative ruling on Plaintiff's Ex Parte Motion for Correction of Order Denying Emergency Ex Parte Motion for TRO and Immediate Relief (ECF No. 19), and in support thereof states as follows:

1. The Court's jurisdiction to rule on Plaintiff's Motion for Correction (ECF No. 19) is affected by the Notice of Appeal filed concurrently herewith.

2. Under Federal Rule of Civil Procedure 62.1, if a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may: (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.

3. The Court retains authority under Rule 62.1 to make such an indicative ruling despite the pending appeal. Such a ruling would facilitate expedited resolution of this matter and prevent further religious harm.

4. The Court's Order Denying Ex Parte Motion for TRO (ECF No. 18) contains a clear error of law regarding the application of the state action doctrine to private entities utilizing statutory lien enforcement procedures.

5. In *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 941 (1982), the Supreme Court explicitly held that "a private party's joint participation with state officials in the

seizure of disputed property is sufficient to characterize that party as a 'state actor' for purposes of the Fourteenth Amendment."

6. The Tenth Circuit has consistently applied this principle to private entities utilizing statutory enforcement mechanisms. See *Coleman v. Turpen*, 697 F.2d 1341, 1345 (10th Cir. 1982) (holding that a private towing company that "jointly participated" with state officials in seizing property pursuant to state law was a state actor subject to constitutional constraints).

7. By utilizing Utah's statutory lien enforcement procedures (Utah Code § 38-8-1 et seq.), Defendants have transformed from mere private actors into agents operating "under color of state law," making their actions subject to First Amendment and RFRA scrutiny.

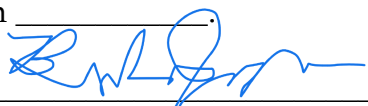
8. The Court's correction of this legal error is essential to prevent further irreparable religious harm, as the critical April 18, 2025 religious deadline established in The Black Flag's Blueprint for Global Expansion has now passed without resolution.

WHEREFORE, Plaintiff respectfully requests that this Court issue an indicative ruling stating that it would grant Plaintiff's Motion for Correction (ECF No. 19) if the case were remanded for that purpose, or in the alternative, stating that the motion raises a substantial issue warranting consideration on remand.

RESPECTFULLY SUBMITTED,

Brandon Michael Jeanpierre

Pro Se Plaintiff

Executed on _____
Signature:  _____

Printed Name: _____