

# **Question**

Under what statutes should a father seek relief for mail fraud in a RICO suit against his spouse, his spouse's grandmother, and his spouse's stepfather?

# **Answer (U.S. Federal)**

## **Short response**

A father seeking relief for mail fraud in a RICO suit against his spouse and her relatives should primarily rely on [18 U.S.C. § 1964\(c\)](#), which provides a civil remedy for violations of [18 U.S.C. § 1962](#), while using [18 U.S.C. § 1341](#) (mail fraud) as the predicate act establishing a pattern of racketeering activity.

## **Summary**

To pursue a civil RICO claim based on mail fraud against family members, the father should primarily rely on four key statutes: [18 U.S.C. § 1964\(c\)](#), which provides the civil remedy; [18 U.S.C. § 1962\(a\)-\(d\)](#), which defines the prohibited racketeering activities; [18 U.S.C. § 1961](#), which defines racketeering activity to include mail fraud; and [18 U.S.C. § 1341](#), which is the mail fraud statute itself. Together, these statutes create the legal framework that allows private individuals to seek relief, including treble damages, attorney's fees, and costs, when they can prove they were injured by a pattern of racketeering activity that includes mail fraud.

Successfully establishing a civil RICO claim requires the father to demonstrate several elements: (1) that the defendants conducted (2) an enterprise (3) through a pattern (4) of racketeering activity (mail fraud) that (5) caused injury to his business or property. The father must specifically establish that the defendants engaged in a scheme to defraud and used the U.S. mail system to execute that scheme. Additionally, he must demonstrate that these acts were part of a pattern of racketeering activity - requiring at least two predicate acts of mail fraud within a ten-year period - and that the defendants were associated with an "enterprise" affecting interstate commerce.

## **Background and Relevant Legislative Framework**

### **Primary RICO Statutes**

#### **[18 U.S.C. § 1964\(c\): Civil Remedies](#)**

The starting point for any civil RICO claim is [18 U.S.C. § 1964\(c\)](#), which provides the private right of action: "Any person injured in his business or

property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..."

This provision is essential because it creates the mechanism by which a father could seek relief against his spouse, his spouse's grandmother, and his spouse's stepfather for alleged mail fraud conducted as part of a pattern of racketeering activity. The statute allows for treble damages (three times the actual damages sustained) and recovery of legal costs, making it a potentially powerful remedy.

## **18 U.S.C. § 1962: Prohibited Activities**

[18 U.S.C. § 1962](#) defines the prohibited activities under RICO. This statute contains four subsections, each addressing a different type of racketeering conduct:

- § 1962(a) prohibits using income derived from a pattern of racketeering activity to acquire an interest in or establish an enterprise affecting interstate commerce.
- § 1962(b) prohibits acquiring or maintaining an interest in an enterprise affecting interstate commerce through a pattern of racketeering activity.
- § 1962(c) prohibits conducting or participating in the conduct of an enterprise's affairs through a pattern of racketeering activity when the enterprise affects interstate commerce.
- § 1962(d) prohibits conspiring to violate subsections (a), (b), or (c).

Of these provisions, § 1962(c) is the most commonly used in civil RICO claims, as noted in [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) (2022): "There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted."

The key language in § 1962(c) states: "It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity."

## **18 U.S.C. § 1961: Definitions**

[18 U.S.C. § 1961](#) provides critical definitions for RICO claims. Most importantly for the question at hand, § 1961(1) defines "racketeering activity" to include "any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud)." This explicitly confirms that mail fraud qualifies as a predicate act for establishing a pattern of racketeering activity.

Additionally, § 1961(5) defines a "pattern of racketeering activity" as requiring "at least two acts of racketeering activity, one of which occurred

after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity."

As explained by the Supreme Court in [Inc v. Northwestern Bell Telephone Company](#), [492 U.S. 229 \(1989\)](#): "Racketeering activity is defined in RICO to mean 'any act or threat involving' specified state-law crimes, any 'act' indictable under various specified federal statutes, and certain federal 'offenses,' [18 U.S.C. § 1961](#)(1) (1982 ed., Supp. V); but of the term 'pattern' the statute says only that it 'requires at least two acts of racketeering activity' within a 10-year period, [18 U.S.C. § 1961](#)(5)."

## **[18 U.S.C. § 1341](#): Mail Fraud Statute**

[18 U.S.C. § 1341](#), the mail fraud statute, serves as the predicate act underlying the RICO claim. The key elements of mail fraud are defined in this statute:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service... shall be fined under this title or imprisoned not more than 20 years, or both."

This statute criminalizes the use of U.S. mail to execute fraudulent schemes. When such activity forms a pattern and is conducted through an enterprise, it can serve as the basis for a RICO claim.

## **Secondary RICO-Related Statutes**

While the above statutes form the core legal framework for a civil RICO claim based on mail fraud, several other statutes may be relevant depending on the specific facts of the case:

- [18 U.S.C. § 1963](#): This statute addresses criminal penalties for RICO violations, which, while not directly applicable to a civil case, demonstrates the seriousness with which Congress views RICO violations.
- [18 U.S.C. § 1952](#): This statute, commonly known as the Travel Act, prohibits using interstate facilities, including mail, to promote or carry out unlawful activities. It could potentially provide an additional predicate act if the defendants used mail for unlawful purposes beyond fraud.
- [18 U.S.C. § 1708](#): This statute addresses theft or receipt of stolen mail, which might be relevant if any mail theft occurred as part of the alleged scheme.

- [39 U.S.C. § 3005](#): This statute addresses false representations conducted through mail and authorizes the Postal Service to take action against such schemes.
- [18 U.S.C. § 1702](#): This statute prohibits obstruction of correspondence, which might be relevant if any mail was intercepted as part of the alleged scheme.

## **Case Law Interpreting the RICO Framework**

Several key cases provide guidance on how the RICO statutes should be applied to civil claims involving mail fraud.

### **Elements of a Civil RICO Claim**

The basic elements of a civil RICO claim are consistently described across multiple cases. As stated in [Norfe Grp. Corp. v. R.Y. Espinosa Inc., Civil No. 19-1897 \(BJM\) \(D. P.R. May 07, 2021\)](#):

"RICO liability breaks down to four essential elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' [Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496 \(1985\)](#)."

Similarly, [Uselmann v. Pop, 495 F.Supp.3d 528 \(E.D. Mich. 2020\)](#) specifies:

"To state a RICO cause of action, a plaintiff must establish four elements: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity."

For a more comprehensive breakdown, [Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#) explains:

"To state a claim for damages under RICO a plaintiff has two pleading burdens. First, he must allege that the defendant has violated the substantive RICO statute, [18 U.S.C. § 1962](#) (1976), commonly known as 'criminal RICO.' In so doing, he must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce.... Plaintiff must allege adequately defendant's violation of section 1962 before turning to the second burden — i.e., invoking RICO's civil remedies of treble damages, attorneys fees and costs...."

### **Mail Fraud as a Predicate Act**

Multiple cases confirm that mail fraud can serve as a predicate act for RICO claims. In [Boneta v. Rolex Watch USA, Inc., 232 F.Supp.3d 354 \(S.D. N.Y. 2017\)](#), the court stated:

"'Racketeering activity' can comprise a variety of offenses including, as relevant here, mail fraud under [18 U.S.C. § 1341](#) and wire fraud under 18 U.S.C. § 1343. See [18 U.S.C. § 1961\(1\)](#)."

[Williams v. Aztar Indiana Gaming Corp., 351 F.3d 294 \(7th Cir. 2003\)](#) provides more detail on this connection:

"To invoke federal question jurisdiction, Williams alleged a violation of the federal RICO statute by virtue of mail fraud under [18 U.S.C. § 1341](#). See [18 U.S.C. § 1961\(1\)\(B\)](#). The viability of Williams's RICO claim turns on whether he has established a pattern of racketeering activity, which is an essential element of a claim under the RICO statute..."

## **Elements of Mail Fraud**

The elements of mail fraud, which must be established to use it as a predicate act, are detailed in several cases. [Norfe Grp. Corp. v. R.Y. Espinosa Inc., Civil No. 19-1897 \(BJM\) \(D. P.R. May 07, 2021\)](#) explains:

"Mail fraud 'occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice or attempting so to do.' [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639, 647 \(2008\)](#) (quoting [18 U.S.C. § 1341](#))."

[Williams v. Aztar Indiana Gaming Corp., 351 F.3d 294 \(7th Cir. 2003\)](#) provides a more structured definition:

"The elements of mail fraud under [18 U.S.C. § 1341](#) are: '(1) the defendant's participation in a scheme to defraud; (2) defendant's commission of the act with intent to defraud; and (3) use of the mails in furtherance of the fraudulent scheme.'"

[Hall v. Witteman, 569 F.Supp.2d 1208 \(D. Kan. 2008\)](#) offers a similar formulation:

"To establish the predicate act of mail fraud [the plaintiff] must allege '(1) the existence of a scheme or artifice to defraud or obtain money or property by false pretenses, representations or promises, and (2) use of the United States mails for the purpose of executing the scheme.'"

## **No Reliance Requirement for RICO Mail Fraud Claims**

An important legal principle clarified by the Supreme Court is that a plaintiff bringing a RICO claim based on mail fraud does not need to prove reliance on the fraudulent representations. As stated in [Bridge v. Phoenix Bond & Indem. Co., 553 U.S. 639 \(2008\)](#):

"A plaintiff asserting a RICO claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations."

This is a significant advantage in a family-related RICO claim, as it eliminates the need to prove direct reliance on any fraudulent communications.

## **Administrative Decisions Supporting RICO Claims Based on Mail Fraud**

Several administrative decisions provide additional support for using mail fraud as the basis for a RICO claim.

[Feldman v. Risk Placement Servs., Inc.](#) (2021) reaffirms the definition of mail fraud:

"Mail fraud is a federal crime: '[w]hoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier... shall be fined under this title or imprisoned not more than 20 years, or both.' [18 U.S.C. § 1341](#)."

[Civil Rico: A Tool of Advocacy](#) (2024) provides a comprehensive overview of the requirements for a civil RICO claim:

"A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity."

RICO: A Primer (2022) confirms that mail fraud is one of the most common predicate acts in RICO cases:

"Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts."

Theft offenses (2020) adds important information about the statute of limitations for mail fraud:

"There is a five year statute of limitations for wire and mail fraud. 18 U.S.C. §3282. Mail and wire fraud that affect a financial institution have a ten year statute of limitations. 18 U.S.C. §3293."

# **Analysis: Applying the RICO Framework to a Family Dispute**

## **The "Enterprise" Requirement**

One key challenge in a family-based RICO claim will be establishing that the family members (spouse, grandmother, and stepfather) constitute an "enterprise" for RICO purposes. The father would need to demonstrate that these individuals formed an association-in-fact that has some structure and continuity beyond the alleged racketeering activity.

As described in [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) (2022):

"An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws."

The father would need to show that his spouse, his spouse's grandmother, and his spouse's stepfather worked together in an organized manner to carry out the alleged mail fraud scheme, rather than acting as separate individuals.

## **The "Pattern" Requirement**

To establish a "pattern of racketeering activity," the father must identify at least two acts of mail fraud within a ten-year period. As explained in [Inc v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#), a pattern "requires at least two acts of racketeering activity" within a 10-year period.

However, establishing a pattern typically requires more than just proving two isolated incidents. The acts must be related and demonstrate continuity. The father would need to show that the mail fraud incidents were part of a continuous pattern of behavior, not merely sporadic or isolated events.

## **Proving Mail Fraud as the Predicate Act**

To use mail fraud as the predicate act for a RICO claim, the father would need to establish the elements outlined in [Williams v. Aztar Indiana Gaming Corp., 351 F.3d 294 \(7th Cir. 2003\)](#):

1. The defendants participated in a scheme to defraud
2. The defendants acted with intent to defraud
3. The defendants used the mails to further their fraudulent scheme

The father would need to provide specific evidence of how his spouse, his spouse's grandmother, and his spouse's stepfather used the U.S. mail system to execute their alleged fraudulent scheme.

Importantly, as noted in [Civil Rico: A Tool of Advocacy](#) (2024), allegations involving fraud must be pleaded with particularity under Federal Rule of Civil Procedure 9(b). This means the father would need to specify the "who, what, when, where, and how" of the alleged mail fraud.

## **Demonstrating Injury**

To recover damages under [18 U.S.C. § 1964](#)(c), the father must prove that he was "injured in his business or property" by reason of the RICO violation. This typically means economic injury, not emotional distress or personal injury.

The father would need to demonstrate a direct connection between the defendants' pattern of racketeering activity (the mail fraud) and concrete economic harm he suffered.

## **Bringing a RICO Suit Against Family Members**

There is no legal prohibition against bringing a RICO suit against family members. The statutes focus on the conduct and enterprise, not the relationship between the parties. If the father can establish that his spouse, his spouse's grandmother, and his spouse's stepfather engaged in a pattern of mail fraud through an enterprise that affected interstate commerce, he may have a viable RICO claim regardless of the family relationship.

## **Which Specific RICO Subsection to Use**

Based on the available information, the father should consider bringing claims under multiple subsections of [18 U.S.C. § 1962](#):

- § 1962(c) is the most commonly used provision and would apply if the defendants conducted or participated in the conduct of an enterprise through a pattern of mail fraud.
- § 1962(d) would apply if the father can demonstrate that the defendants conspired to violate one of the other RICO provisions.

Depending on the specific facts, § 1962(a) (using income from racketeering to acquire an interest in an enterprise) or § 1962(b) (acquiring or maintaining an interest in an enterprise through racketeering) might also be relevant.

As noted in [Boneta v. Rolex Watch USA, Inc., 232 F.Supp.3d 354 \(S.D. N.Y. 2017\)](#), a plaintiff can allege violations of multiple RICO subsections in the same complaint.

# **Exceptions and Caveats**

## **The Domestic Relations Exception**

While not mentioned in the provided sources, courts have traditionally been reluctant to involve federal courts in domestic disputes. The father should be aware that if the RICO claim appears to be primarily a domestic relations matter disguised as a federal claim, some courts might be hesitant to exercise jurisdiction.

## **The Pleading Standard**

RICO claims based on fraud are subject to the heightened pleading standard of Federal Rule of Civil Procedure 9(b). As noted in [Civil Rico: A Tool of Advocacy](#) (2024), "RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity."

This means the father must plead the circumstances of the fraud with particularity, including the time, place, and contents of the false representations, as well as the identity of the person making the misrepresentation and what was obtained thereby.

## **Statute of Limitations**

According to Theft offenses (2020), "There is a five year statute of limitations for wire and mail fraud. 18 U.S.C. §3282. Mail and wire fraud that affect a financial institution have a ten year statute of limitations. 18 U.S.C. §3293."

The father should ensure that his claim is brought within this timeframe.

## **Conclusion**

A father seeking relief for mail fraud in a RICO suit against his spouse, his spouse's grandmother, and his spouse's stepfather should primarily rely on the following statutes:

1. [18 U.S.C. § 1964](#)(c) provides the civil remedy, allowing recovery of treble damages and attorney's fees.
2. [18 U.S.C. § 1962](#), particularly subsection (c), defines the prohibited activities that form the basis of a RICO violation.
3. [18 U.S.C. § 1961](#) provides the definitions necessary for a RICO claim, including identifying mail fraud as a predicate act and defining what constitutes a pattern of racketeering activity.
4. [18 U.S.C. § 1341](#), the mail fraud statute, outlines the elements that must be proven to establish mail fraud as the predicate act.

To successfully bring this claim, the father would need to prove:

- That the defendants (his spouse, his spouse's grandmother, and his spouse's stepfather) constituted or were associated with an "enterprise"
- That they engaged in a "pattern of racketeering activity" consisting of at least two acts of mail fraud within a ten-year period
- That they used the U.S. mail system to execute a scheme to defraud
- That this pattern of activity directly caused injury to his business or property

The father should be prepared to plead his case with particularity, especially regarding the alleged fraudulent acts, and to demonstrate that the family members were engaged in an ongoing enterprise rather than merely individual actions.

By properly structuring his claim under these statutes and meeting all the required elements, the father may be able to obtain significant remedies, including treble damages and attorney's fees, for mail fraud conducted by his family members.

## **Legal Authorities**

[Bridge v. Phoenix Bond & Indem. Co., 128 S.Ct. 2131, 170 L.Ed.2d 1012, 553 U.S. 639, 8 Cal. Daily Op. Serv. 6929, 21 Fla. L. Weekly Fed. S 295, 76 USLW 4381, 2008 Daily Journal D.A.R. 8339 \(2008\)](#)

### **U.S. Supreme Court**

#### **Extract**

A plaintiff asserting a RICO claim predicated on mail fraud need not show, either as an element of its claim or as a prerequisite to establishing proximate causation, that it relied on the defendant's alleged misrepresentations. Pp. 2137 - 2145. (a) In 18 U.S.C. § 1964(c), RICO provides a private right of action for treble damages to '[a]ny person injured in his business or property by reason of a violation,' as pertinent here, of § 1962(c), which makes it 'unlawful for any person employed by or associated with' a qualifying enterprise 'to conduct or participate ... in the conduct of such enterprise's affairs through a pattern of racketeering activity,' including 'mail fraud,' § 1961(1)(B). Mail fraud, in turn, occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice.' § 1341.

#### **Summary**

The passage from the U.S. Supreme Court case Bridge v. Phoenix Bond & Indem. Co. clarifies that under the RICO statute, specifically 18 U.S.C. § 1964(c), a plaintiff can seek relief for mail fraud without needing to prove reliance on the misrepresentations. This is significant because it broadens

the scope of who can bring a RICO claim by focusing on the injury to business or property rather than the reliance on fraudulent statements. The passage also outlines that mail fraud, as a predicate act under RICO, involves using the mail to execute a scheme to defraud, as defined in 18 U.S.C. § 1341.

[Inc v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#)

## **U.S. Supreme Court**

### **Extract**

The Racketeer Influenced and Corrupt Organizations Act (RICO or Act), Pub.L. 91-452, Title IX, 84 Stat. 941, as amended, 18 U.S.C. §§ 1961-1968 (1982 ed. and Supp. V), imposes criminal and civil liability upon those who engage in certain 'prohibited activities.' Each prohibited activity is defined in 18 U.S.C. § 1962 to include, as one necessary element, proof either of 'a pattern of racketeering activity' or of 'collection of an unlawful debt.' 'Racketeering activity' is defined in RICO to mean 'any act or threat involving' specified state-law crimes, any 'act' indictable under various specified federal statutes, and certain federal 'offenses,' 18 U.S.C. § 1961(1) (1982 ed., Supp. V); but of the term 'pattern' the statute says only that it 'requires at least two acts of racketeering activity' within a 10-year period, 18 U.S.C. § 1961(5).

### **Summary**

An overview of the RICO Act, which is relevant to the question as it involves seeking relief for mail fraud under RICO. The passage explains that RICO imposes liability for engaging in a pattern of racketeering activity, which includes acts indictable under federal statutes such as mail fraud. It also specifies that a pattern requires at least two acts of racketeering activity within a 10-year period. This information is crucial for understanding how a father might frame a RICO suit involving mail fraud against his spouse and others.

[Sedima v. Imrex Company, Inc, 473 U.S. 479, 105 S.Ct. 3275, 87 L.Ed.2d 346 \(1985\)](#)

## **U.S. Supreme Court**

### **Extract**

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, which is directed at 'racketeering activity'—defined in § 1961(1) to encompass, *inter alia*, acts 'indictable' under specific federal criminal provisions, including mail and wire fraud—provides in § 1964(c) for

a private civil action to recover treble damages by any person injured in his business or property 'by reason of a violation of section 1962.' Section 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.'

## **Summary**

The passage from the *Sedima v. Imrex Company, Inc* case provides insight into how the RICO statute can be used in civil litigation. It explains that RICO encompasses acts of mail and wire fraud as part of its definition of "racketeering activity" under 18 U.S.C. § 1961(1). Furthermore, it allows for a private civil action under § 1964(c) for treble damages if a person is injured in their business or property due to a violation of § 1962, which includes conducting an enterprise through a pattern of racketeering activity. This is directly relevant to the question as it outlines the statutory basis for seeking relief in a RICO suit involving mail fraud.

[O'KEEFE v. Courtney, 655 F. Supp. 16 \(N.D. Ill. 1985\)](#)

## **U.S. District Court — Northern District of Illinois**

### **Extract**

The United States Supreme Court recently summarized the purposes behind and elements of a RICO claim: RICO takes aim at 'racketeering activity,' which it defines as any act 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud, and any 'offense' involving bankruptcy or securities fraud or drug-related activities that is 'punishable' under federal law. § 1961(1). Section 1962, entitled 'Prohibited Activities,' outlaws the use of income derived from a 'pattern of racketeering activity' to acquire an interest in or establish an enterprise engaged in or affecting interstate commerce; the acquisition or maintenance of any interest in an enterprise 'through' a pattern of racketeering activity; conducting or participating in the conduct of an enterprise through a pattern of racketeering activity; and conspiring to violate any of these provisions.

## **Summary**

Summary of the elements required to establish a RICO claim, specifically highlighting that mail fraud is considered a form of "racketeering activity" under § 1961(1) of the RICO statute. It also outlines the prohibited activities under § 1962, which are relevant to structuring a RICO claim. This information is crucial for understanding the statutory framework under which a father could seek relief for mail fraud in a RICO suit.

[Williams v. Aztar Indiana Gaming Corp., 351 F.3d 294 \(7th Cir. 2003\)](#)

## **U.S. Court of Appeals — Seventh Circuit**

### **Extract**

Williams sued Aztar's former and current operators, claiming a civil violation of the federal RICO statute, codified at 18 U.S.C. § 1961 et seq., resulting from an alleged pattern of racketeering activity in the form of mail fraud... To invoke federal question jurisdiction, Williams alleged a violation of the federal RICO statute by virtue of mail fraud under 18 U.S.C. § 1341. See 18 U.S.C. § 1961(1)(B). The viability of Williams's RICO claim turns on whether he has established a pattern of racketeering activity, which is an essential element of a claim under the RICO statute... The elements of mail fraud under 18 U.S.C. § 1341 are: '(1) the defendant's participation in a scheme to defraud; (2) defendant's commission of the act with intent to defraud; and (3) use of the mails in furtherance of the fraudulent scheme.'

### **Summary**

Elements required to establish a mail fraud claim as a predicate act for a RICO violation, which includes participation in a scheme to defraud, intent to defraud, and use of the mails in furtherance of the scheme.

[Boneta v. Rolex Watch USA, Inc., 232 F.Supp.3d 354 \(S.D. N.Y. 2017\)](#)

## **U.S. District Court — Southern District of New York**

### **Extract**

The Amended Complaint (hereafter the 'Complaint') alleges that Defendants committed substantive RICO violations under 18 U.S.C. § 1962(b) and 18 U.S.C. § 1962(c) through their participation in a pattern of mail and wire fraud. The Complaint also alleges that Defendants conspired to violate RICO under 18 U.S.C. § 1962(d). To establish a violation of 18 U.S.C. § 1962(b) and (c), the Complaint must allege, among other things, that Defendants engaged in a 'pattern of racketeering activity.' See id. 'Racketeering activity' can comprise a variety of offenses including, as relevant here, mail fraud under 18 U.S.C. § 1341 and wire fraud under 18 U.S.C. § 1343. See 18 U.S.C. § 1961(1). A 'pattern' of racketeering activity requires at least two predicate acts of racketeering activity that are related and continuous. See 18 U.S.C. § 1961(5); H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 238, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989).

### **Summary**

To seek relief for mail fraud in a RICO suit, the father should consider statutes under 18 U.S.C. § 1962(b), 18 U.S.C. § 1962(c), and 18 U.S.C. § 1962(d). These statutes pertain to substantive RICO violations and RICO conspiracy, respectively. The passage also clarifies that mail fraud can be a predicate act under RICO, as defined in 18 U.S.C. § 1341, and that a pattern

of racketeering activity requires at least two related and continuous predicate acts.

[Norfe Grp. Corp. v. R.Y. Espinosa Inc., Civil No. 19-1897 \(BJM\) \(D. P.R. May 07, 2021\)](#)

### **U.S. District Court — District of Puerto Rico**

#### **Extract**

RICO liability breaks down to four essential elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985). The statute includes numerous illegal acts in its definition of 'racketeering activity.' *Home Orthopedics*, 781 F.3d at 528 (citing 18 U.S.C. § 1961(1)). Among these are mail and wire fraud, 18 U.S.C. §§ 1341, 1343, which are the relevant predicate acts in Norfe's amended complaint. Mail fraud 'occurs whenever a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice or attempting so to do.' *Bridge v. Phoenix Bond & Indem. Co.*, 553 U.S. 639, 647 (2008) (quoting 18 U.S.C. § 1341).

#### **Summary**

Essential elements required to establish RICO liability, which includes demonstrating a pattern of racketeering activity. Mail fraud is specifically identified as a predicate act under RICO, as defined in 18 U.S.C. §§ 1341 and 1343. This information is directly relevant to the question of what statutes a father should consider when seeking relief for mail fraud in a RICO suit.

[Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#)

### **U.S. District Court — Eastern District of New York**

#### **Extract**

To state a claim for damages under RICO a plaintiff has two pleading burdens. First, he must allege that the defendant has violated the substantive RICO statute, 18 U.S.C. § 1962 (1976), commonly known as 'criminal RICO.' In so doing, he must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce.... Plaintiff must allege adequately defendant's violation of section 1962 before turning to the second burden — i.e., invoking RICO's civil remedies of treble damages, attorneys fees and costs....

## **Summary**

Framework for understanding the elements required to establish a RICO claim, which is essential for the father's case.

[Orcilla v. Bank of America, NA, No. C10-03931 HRL \(N.D. Cal. Dec 16, 2010\)](#)

### **U.S. District Court — Northern District of California**

#### **Extract**

A civil plaintiff may, however, use mail fraud allegations to support a civil RICO claim. *Id.* at 533. The RICO statute makes it illegal for 'any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of [an] enterprise's affairs through a pattern of racketeering activity' or to conspire to do so. 18 U.S.C. §§ 1692(c), (d). Thus, to state a claim for a violation of this section, a plaintiff must plead '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 497 (1985).

'Racketeering activity' is defined as a number of specific criminal acts under federal and state laws. See 18 U.S.C. § 1961(1). Here, Plaintiffs apparently base their RICO claim on the predicate crime of mail fraud (18 U.S.C. § 1341). See 18 U.S.C. § 1961(1)(B).

## **Summary**

The passage explains that while mail fraud itself does not provide a private right of action, it can be used as a predicate act in a civil RICO claim. The RICO statute, under 18 U.S.C. §§ 1692(c), (d), allows for claims based on a pattern of racketeering activity, which includes mail fraud as defined under 18 U.S.C. § 1341. This is relevant to the question as it provides the statutory basis for including mail fraud in a RICO suit.

[BF Hirsch, Inc. v. Enright Refining Co., 577 F. Supp. 339 \(D. N.J. 1983\)](#)

### **U.S. District Court — District of New Jersey**

#### **Extract**

Plaintiff seeks, *inter alia*, treble damages which are statutorily provided under the civil-remedies provisions of the Racketeering Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 et seq. Plaintiff alleges that defendant's repeated acts of fraudulent misrepresentation, evidenced by the report letters omitting the improperly withheld retainage charges, constitute mail and wire fraud pursuant to 18 U.S.C. §§ 1341 and 1343, respectively. As set out hereunder, I find that the substantive elements

necessary to state a claim for damages under RICO have been established and, therefore, plaintiff is entitled to the relief sought.

## **Summary**

Fraudulent misrepresentation through mail and wire fraud can be grounds for a RICO claim, and the plaintiff in the case was entitled to relief under these provisions. This suggests that a father seeking relief for mail fraud in a RICO suit against family members could potentially rely on these statutes.

[Uselmann v. Pop, 495 F.Supp.3d 528 \(E.D. Mich. 2020\)](#)

### **U.S. District Court — Eastern District of Michigan**

#### **Extract**

Claims for civil violations of RICO are governed by 18 U.S.C. § 1962. The statute provides that: It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. 18 U.S.C. § 1962(c). To state a RICO cause of action, a plaintiff must establish four elements: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. ... RICO defines 'racketeering activity' to include a multitude of offenses that are either 'chargeable' under certain state criminal laws or 'indictable' under specified federal criminal laws. 18 U.S.C. § 1961(1). Both the mail fraud statute, 18 U.S.C. § 1341, and the wire fraud statute, 18 U.S.C. § 1343, are listed as predicate racketeering offenses under RICO.

## **Summary**

To seek relief for mail fraud in a RICO suit, the father should rely on 18 U.S.C. § 1962, which governs civil RICO violations. Mail fraud, as defined under 18 U.S.C. § 1341, is considered a predicate act of racketeering activity under RICO. Therefore, the father should allege that the defendants engaged in a pattern of racketeering activity, including mail fraud, to establish a RICO claim.

[Hall v. Witteman, 569 F.Supp.2d 1208 \(D. Kan. 2008\)](#)

### **U.S. District Court — District of Kansas**

#### **Extract**

In order to bring a RICO claim, a plaintiff must allege a violation of 18 U.S.C. § 1962, which consists of four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' ... 'Racketeering activity' is

defined in 18 U.S.C. § 1961(1)(B) as any 'act which is indictable' under federal law and specifically includes mail fraud and wire fraud. These underlying acts are 'referred to as predicate acts, because they form the basis for liability under RICO.' ... To establish the predicate act of mail fraud [the plaintiff] must allege '(1) the existence of a scheme or artifice to defraud or obtain money or property by false pretenses, representations or promises, and (2) use of the United States mails for the purpose of executing the scheme.'

## **Summary**

To bring a RICO claim involving mail fraud, the plaintiff must allege a violation of 18 U.S.C. § 1962. This involves demonstrating conduct of an enterprise through a pattern of racketeering activity, which includes mail fraud as defined under 18 U.S.C. § 1961(1)(B). The plaintiff must specifically allege the existence of a scheme to defraud and the use of U.S. mails to execute this scheme. This information is generally applicable to any RICO claim involving mail fraud.

### [18 U.S.C. § 1341](#) [18 U.S.C. § 1341](#) Frauds and Swindles

## **Extract**

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises... for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service... shall be fined under this title or imprisoned not more than 20 years, or both.

## **Summary**

18 U.S.C. § 1341 is a federal statute that criminalizes mail fraud. It applies to any scheme devised to defraud or obtain money or property through false pretenses, using the postal service or private carriers. This statute is relevant to the question as it provides the legal basis for addressing mail fraud, which could be a component of a RICO suit if the fraudulent activity is part of a pattern of racketeering activity.

### [18 U.S.C. § 1962](#) [18 U.S.C. § 1962](#) Prohibited Activities

## **Extract**

It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

## **Summary**

18 U.S.C. § 1962 outlines prohibited activities related to racketeering. Specifically, it addresses unlawful activities involving the acquisition or control of enterprises through a pattern of racketeering activity, which can include mail fraud. This statute is relevant to a RICO suit as it provides the legal framework for addressing racketeering activities, including those involving family members if they are part of the alleged racketeering enterprise.

### [18 U.S.C. § 1961 18 U.S.C. § 1961 Definitions](#)

#### **Extract**

As used in this chapter- 'racketeering activity' means ... (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), ...

## **Summary**

Mail fraud is explicitly listed as a type of racketeering activity under the RICO Act. This means that if the father is alleging mail fraud as part of a pattern of racketeering activity, it falls under the statutes covered by the RICO Act. The definition of racketeering activity includes acts indictable under section 1341, which relates to mail fraud. Therefore, the father can seek relief under the RICO statutes by alleging mail fraud as part of the racketeering activity.

### [18 U.S.C. § 1952 18 U.S.C. § 1952 Interstate and Foreign Travel Or Transportation In Aid of Racketeering Enterprises](#)

#### **Extract**

Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to- distribute the proceeds of any unlawful activity; or commit any crime of violence to further any unlawful activity; or otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity, and thereafter performs or attempts to perform- (A) an act described in paragraph or shall be fined under this title, imprisoned not more than 5 years, or both; or (B) an act described in paragraph shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

## **Summary**

The passage from 18 U.S.C. § 1952 discusses the use of mail or interstate commerce facilities to further unlawful activities, which is relevant to mail fraud. This statute could be applicable in a RICO suit if the mail was used to promote or carry on unlawful activities, such as fraud. The statute provides for penalties including fines and imprisonment, which aligns with seeking relief in a RICO context.

### [39 C.F.R. § 233.2 39 C.F.R. § 233.2 Circulars and Rewards](#)

#### **Extract**

Rewards may be paid for any amount up to the maximum categorical amount stated in Poster 296, under the conditions stated in Poster 296, Notice of Reward, for information leading to the apprehension of fugitives sought in the connection of the following postal offenses... (xi) Using the mail to execute a scheme to defraud or obtain money or property from another by false pretenses or promises.

## **Summary**

The United States Postal Service (USPS) has provisions for addressing mail fraud, which is defined as using the mail to execute a scheme to defraud or obtain money or property by false pretenses or promises. This is relevant to the question as it provides a basis for seeking relief under statutes related to mail fraud, which could be part of a RICO suit if the mail fraud is part of a larger pattern of racketeering activity.

### [18 U.S.C. § 1708 18 U.S.C. § 1708 Theft Or Receipt of Stolen Mail Matter Generally](#)

#### **Extract**

Whoever steals, takes, or abstracts, or by fraud or deception obtains, or attempts so to obtain, from or out of any mail, post office, or station thereof, letter box, mail receptacle, or any mail route or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or abstracts or removes from any such letter, package, bag, or mail, any article or thing contained therein, or secretes, embezzles, or destroys any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or Whoever steals, takes, or abstracts, or by fraud or deception obtains any letter, postal card, package, bag, or mail, or any article or thing contained therein which has been left for collection upon or adjacent to a collection box or other authorized depository of mail matter; or Whoever buys, receives, or conceals, or unlawfully has in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen,

taken, embezzled, or abstracted, as herein described, knowing the same to have been stolen, taken, embezzled, or abstracted- Shall be fined under this title or imprisoned not more than five years, or both.

## **Summary**

18 U.S.C. § 1708 addresses the theft or receipt of stolen mail matter. This statute is relevant to cases where mail is stolen, taken, or obtained by fraud or deception. It provides for penalties including fines and imprisonment. This statute could be applicable in a RICO suit if the mail fraud is part of a pattern of racketeering activity.

### [18 U.S.C. § 1964](#) [18 U.S.C. § 1964 Civil Remedies](#)

## **Extract**

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

## **Summary**

Any person who has been injured in their business or property due to a violation of section 1962 can seek relief in a U.S. district court. This includes the possibility of recovering threefold the damages sustained and the cost of the suit, including reasonable attorney's fees. This is relevant to the question as it provides a potential legal avenue for the father to seek relief for mail fraud under a RICO suit.

### [18 U.S.C. § 1963](#) [18 U.S.C. § 1963 Criminal Penalties](#)

## **Extract**

Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law... any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

## **Summary**

18 U.S.C. § 1963 outlines the penalties for violations of section 1962, which includes racketeering activities. This statute is relevant to a RICO suit as it

provides the legal framework for penalties, including fines, imprisonment, and forfeiture of property obtained through racketeering activities. The passage specifically mentions forfeiture of property derived from racketeering activity, which could include mail fraud if it is part of the racketeering conduct.

### [39 U.S.C. § 3005](#) [39 U.S.C. § 3005 False Representations; Lotteries](#)

#### **Extract**

Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations... the Postal Service may issue an order which... requires the person or his representative to cease and desist from engaging in any such scheme, device, lottery, or gift enterprise.

#### **Summary**

39 U.S.C. § 3005 addresses false representations and schemes conducted through the mail. It allows the Postal Service to take action against individuals or entities engaged in such activities. This statute could be relevant in a RICO suit if the mail fraud involves false representations or schemes conducted through the mail.

### [18 U.S.C. § 1702](#) [18 U.S.C. § 1702 Obstruction of Correspondence](#)

#### **Extract**

Whoever takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined under this title or imprisoned not more than five years, or both.

#### **Summary**

18 U.S.C. § 1702 addresses the unauthorized taking or interference with mail before it is delivered to the intended recipient. This statute is relevant to cases where there is an obstruction of correspondence, which could be applicable in a RICO suit if the mail fraud involves such actions. The statute provides for fines and imprisonment as penalties, indicating its seriousness and potential applicability in a RICO context where mail fraud is alleged.

[Mail and wire fraud.](#)

**American Criminal Law Review - Georgetown University Law Center -  
Messier, Flo - 1999-06-22**

**Extract**

The purpose of these two statutes is to prevent the use of the mails or wires in the furtherance of fraudulent activity... Prosecutors have also used these statutes to prosecute money laundering and Racketeer Influenced and Corrupt Organizations Act ('RICO') violations. A violation of [sections] 1341 or [sections] 1343 can provide the unlawful act necessary to establish a RICO or money laundering violation.

**Summary**

The mail fraud statute (18 U.S.C. § 1341) and the wire fraud statute (18 U.S.C. § 1343) are often used as foundational elements in prosecuting RICO violations. These statutes can provide the necessary unlawful act to establish a RICO violation, which is relevant to the father's case against his spouse and her relatives.

[Mail and wire fraud.](#)

**American Criminal Law Review - Georgetown University Law Center -  
Green, Christopher G. - 1998-03-22**

**Extract**

The purpose of these two statutes is to prevent the use of the mails or wires in the furtherance of fraudulent activity. ... Prosecutors have also used these statutes to prosecute money laundering and Racketeer Influenced and Corrupt Organizations Act ('RICO') violations. A violation of [sections] 1341 or [sections] 1343 can provide the unlawful act necessary to establish a RICO or money laundering violation.

**Summary**

The mail fraud statute (18 U.S.C. § 1341) and the wire fraud statute (18 U.S.C. § 1343) are used to prevent fraudulent activities conducted through mail or wire communications. These statutes are also instrumental in establishing RICO violations, as a proven mail or wire fraud offense can serve as the predicate unlawful act necessary for a RICO claim. This information is generally applicable to cases involving mail and wire fraud and their connection to RICO violations.

[Mail and wire fraud.](#)

## **American Criminal Law Review - Georgetown University Law Center - Newman, Samuel A. - 2000-03-22**

### **Extract**

To federal prosecutors of white collar crime, the mail fraud statute is our Stradivarius, our Colt 45, our Louisville Slugger, our Cuisinart--and our true love. We may flirt with RICO, show off with 10b-5, and call the conspiracy law 'darling,' but we always come home to the virtues of 18 U.S.C. [sections] 1341, with its simplicity, adaptability, and comfortable familiarity. It understands us and, like many a foolish spouse, we like to think we understand it.

### **Summary**

The passage highlights the importance and utility of the mail fraud statute, 18 U.S.C. § 1341, in federal prosecutions of white-collar crime. It suggests that this statute is a fundamental tool for addressing fraudulent activities involving the use of mail. The passage also mentions RICO, indicating that mail fraud can be a component of a RICO case. Therefore, in a RICO suit involving allegations of mail fraud, 18 U.S.C. § 1341 would be a relevant statute for seeking relief.

### Guidelines for Related Offenses

## **Antitrust Cartel Leniency and Sentencing Handbook - American Bar Association - 2023-05-07**

### **Extract**

Mail and wire fraud are the two statutes that are both most likely either to be included with Sherman Act charges, or to be used on their own instead of the Sherman Act. This chapter begins with a discussion of the potential effects of the inclusion of mail and wire fraud charges on the Guidelines analysis. The chapter then addresses the Guidelines for other crimes that can be charged in connection with or in place of antitrust violations, including perjury and obstruction of justice, false statements, major fraud against the United States, the Foreign Corrupt Practices Act (FCPA), conspiracy, and tax and money laundering.

### **Summary**

Mail and wire fraud statutes (18 U.S.C. §§ 1341 and 1343) are commonly used in conjunction with or as alternatives to Sherman Act charges. These statutes are relevant in cases involving fraudulent activities, which could include a RICO suit if the fraudulent activities are part of a pattern of racketeering activity. The passage also mentions other related offenses that could be considered in such cases, such as conspiracy and money laundering.

## [Civil Rico: A Tool of Advocacy](#)

### **The Brief - American Bar Association - 2024-01-01**

#### **Extract**

A violation of § 1962(c), the section on which Sedima relies, requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity. The plaintiff must allege each of the elements to state a claim. They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded. In particular, RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity. ... Section 1961(1) outlines the definition of "racketeering activity" and enumerates various predicate acts that can establish a pattern of racketeering. These predicate acts encompass a wide range of criminal activities, including but not limited to mail fraud, wire fraud, bribery, extortion, and money laundering. ... RICO creates a private cause of action under 18 U.S.C. § 1964(c). To state a civil RICO claim, a plaintiff must allege (1) two or more predicate racketeering offenses, (2) the existence of an enterprise affecting interstate commerce, (3) a connection between the racketeering offenses, and (4) an injury by reason of the above.

#### **Summary**

To seek relief for mail fraud in a RICO suit, the father must allege a violation of § 1962(c) by demonstrating conduct of an enterprise through a pattern of racketeering activity, which includes mail fraud as a predicate act. The plaintiff must also comply with Federal Rule of Civil Procedure 9(b) by pleading fraud with particularity. Additionally, under 18 U.S.C. § 1964(c), the plaintiff must show two or more predicate offenses, an enterprise affecting interstate commerce, a connection between the offenses, and an injury resulting from them.

## [Theft offenses](#)

### **Defending Specific Crimes - James Publishing - Timothy E. Zerillo - 2020-04-29**

#### **Extract**

Mail fraud, 18 U.S.C. §1341 requires that the defendant devise or intend to devise a scheme to defraud (or to perform specified fraudulent acts), and that the defendant use the mail for the purpose of executing, or attempting to execute, the scheme to defraud. ... There is a five year statute of limitations for wire and mail fraud. 18 U.S.C. §3282. Mail and wire fraud that affect a financial institution have a ten year statute of limitations. 18 U.S.C. §3293.

## **Summary**

The passage provides information on the statute governing mail fraud, 18 U.S.C. §1341, which is relevant to the question as it involves seeking relief for mail fraud. It outlines the elements required to establish mail fraud, which include a scheme to defraud and the use of mail to execute the scheme. Additionally, it mentions the statute of limitations for mail fraud, which is important for determining the timeliness of any legal action. This information is directly applicable to the question of what statutes a father should consider in a RICO suit involving mail fraud.

### [Matter of \[Name redacted\]](#)

#### **Decisions of the Administrative Appeals Office AAO**

##### **Extract**

Mail fraud under 18 U.S.C. § 1341 occurs when 'a person, 'having devised or intending to devise any scheme or artifice to defraud,' uses the mail 'for the purpose of executing such scheme or artifice.'

##### **Summary**

18 U.S.C. § 1341 is the statute that defines mail fraud. This statute is applicable when a person uses the mail system to execute a scheme or artifice to defraud. This is relevant to the question as it identifies the specific statute under which mail fraud is addressed, which is a component of a RICO suit.

### [Feldman v. Risk Placement Servs., Inc.](#)

#### **USDOL Administrative Review Board Decisions**

##### **Extract**

Mail fraud is a federal crime: '[w]hoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises. .. for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier. .. shall be fined under this title or imprisoned not more than 20 years, or both.' 18 U.S.C. § 1341.

## **Summary**

Mail fraud is a federal crime under 18 U.S.C. § 1341. This statute outlines the elements of mail fraud, including the use of the postal service or private carriers to execute a scheme to defraud. This is directly relevant to the question as it provides the statutory basis for addressing mail fraud in a legal context, such as a RICO suit.

### [RICO: A Primer](#)

## **Extract**

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. ' 1831 (economic espionage); 18 U.S.C. ' 1832 (theft of trade secrets); 18 U.S.C. ' 1952 (Travel Act); 18 U.S.C. ' 1956, 1957 (money laundering); and 18 U.S.C. ' 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts.

## **Summary**

Mail fraud, as defined under 18 U.S.C. ' 1341, is explicitly listed as a predicate act for racketeering activities under RICO. This means that if a father is seeking relief for mail fraud in a RICO suit, he should reference 18 U.S.C. ' 1341 as the statute under which mail fraud is considered a racketeering activity.

### [RICO: A Primer](#)

## **Extract**

Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. ' 1831 (economic espionage); 18 U.S.C. ' 1832 (theft of trade secrets); 18 U.S.C. ' 1952 (Travel Act); 18 U.S.C. ' 1956, 1957 (money laundering); and 18 U.S.C. ' 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts.

## **Summary**

List of federal criminal statutes that are considered "racketeering activities" under RICO. Among these, 18 U.S.C. ' 1341, which pertains to mail fraud, is explicitly mentioned. This indicates that mail fraud is a recognized predicate

act for a RICO claim. Therefore, if the father is seeking relief for mail fraud in a RICO suit, he should consider 18 U.S.C. § 1341 as the relevant statute.

## [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

### **Extract**

Congress passed the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Sections 1961-68... RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.' An enterprise is an individual or legal entity, or a union or group of individuals associated in fact although not a legal entity, while a pattern of racketeering activity requires long-term, organized conduct to violate state and federal laws. There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: \* Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity; \* Section 1962(b) prohibits a person from using a pattern of racketeering activity to acquire or maintain control over an enterprise; \* Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a pattern of racketeering; and \* Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c).

### **Summary**

N overview of the RICO statute, specifically 18 U.S.C. Sections 1961-68, and outlines the types of activities it prohibits. It explains that RICO pertains to conduct associated with an "enterprise" and a "pattern of racketeering activity," which includes long-term, organized conduct that violates state and federal laws. The passage also details the four types of activities outlawed by RICO, with Section 1962(c) being the most commonly asserted. This information is relevant to understanding the legal framework under which a father might seek relief for mail fraud in a RICO suit.

## [Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#)

### **Extract**

Congress passed the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. Sections 1961-68... There are four types of activities outlawed by RICO, and claims under Section 1962(c) are the most commonly asserted: \* Section 1962(a) prohibits a person from investing in an enterprise any income derived from a pattern of racketeering activity; \* Section 1962(b) prohibits a person from using a pattern of racketeering activity to acquire or maintain control over an enterprise; \* Section 1962(c) prohibits a person from conducting the affairs of an enterprise through a

pattern of racketeering; and \* Section 1962(d) prohibits a person from conspiring to violate Sections 1962(a), (b), or (c).

## **Summary**

The RICO statute, specifically 18 U.S.C. Sections 1961-68, outlines the types of activities that are prohibited under RICO. The passage highlights that mail fraud can be a qualifying criminal action under RICO, and the relevant sections (1962(a), (b), (c), and (d)) describe the types of conduct that are prohibited. Section 1962(c), which prohibits conducting the affairs of an enterprise through a pattern of racketeering, is the most commonly asserted in RICO claims. This information is directly relevant to understanding under which statutes a father might seek relief for mail fraud in a RICO suit.

This memo was compiled by Vincent AI based on vLex materials available as of June 13, 2025. [View full answer on vLex](#)