

## Question

What can be done when in Texas the state courts in Texas were submitted fraudulent documents orchestrated by a scheme between a wife, her grandmother, and her stepfather, and these actions included the wife transferring money across state lines to the stepdad, traveling to his house after he deceived the husband into believing he wanted to help him, then made knowingly false claims of indigency, abuse and harassment to gain the house and kids, and it worked, and the husband wants to sue in Oklahoma where the acts occurred and while the divorce is ongoing but just pursue RICO damages

## Answer (U.S. Federal)

### Short response

The husband may have grounds for a civil RICO claim in federal district court in Oklahoma based on the alleged fraudulent scheme involving interstate transfer of money and false claims, provided he can establish the required elements of a RICO violation. To succeed, he will need to demonstrate (1) the existence of persons who engaged in (2) a pattern of racketeering activity (involving at least two predicate acts such as mail/wire fraud) (3) connected to an enterprise affecting interstate commerce, and (4) that he suffered injury to his business or property as a result.

### Summary

The husband may have grounds to pursue a civil action under the Racketeer Influenced and Corrupt Organizations (RICO) Act in federal district court in Oklahoma while the Texas divorce proceedings are ongoing. The alleged conduct—involving the wife, grandmother, and stepfather engaging in a scheme that included transferring money across state lines, deceptive practices, and submitting fraudulent documents to state courts—potentially constitutes a "pattern of racketeering activity" connected to an "enterprise" as required under RICO. If successful, the husband could recover treble damages, costs, and attorney's fees.

To establish a viable RICO claim, the husband must demonstrate several key elements: (1) the existence of persons who engaged in (2) a pattern of racketeering activity involving at least two predicate acts such as mail fraud or wire fraud, (3) connected to an enterprise affecting interstate commerce, and (4) that he suffered injury to his business or property as a result of the RICO violation. The interstate transfers of money and travel between states in furtherance of the alleged scheme may provide the necessary nexus to interstate commerce required for a RICO claim, though the husband will need to meet the heightened pleading requirements for fraud under Federal Rule of Civil Procedure 9(b).

# Relevant Law

## RICO Statutory Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO), enacted as Title IX of the Organized Crime Control Act of 1970, provides both criminal penalties and civil remedies for racketeering activities conducted through an enterprise. While originally intended to combat organized crime, RICO has been applied to a variety of situations involving patterns of illegal activity.

The key statutory provisions relevant to the husband's potential civil RICO claim include:

### 1. Definition of Racketeering Activity

Under [18 U.S.C. § 1961](#), "racketeering activity" encompasses a wide range of predicate acts, including:

- Mail fraud ([18 U.S.C. § 1341](#))
- Wire fraud ([18 U.S.C. § 1343](#))
- Interstate travel in aid of racketeering enterprises ([18 U.S.C. § 1952](#))
- Engaging in monetary transactions involving property derived from specified unlawful activity ([18 U.S.C. § 1957](#))

The statute 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" ([18 U.S.C. § 1961](#)).

### 2. Prohibited Activities

[18 U.S.C. § 1962](#) outlines the prohibited activities under RICO, including:

- Using income derived from a pattern of racketeering activity to acquire an interest in an enterprise (§ 1962(a))
- Acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity (§ 1962(b))
- Conducting the affairs of an enterprise through a pattern of racketeering activity (§ 1962(c))
- Conspiring to violate any of the above provisions (§ 1962(d))

The statute specifically prohibits "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" ([18 U.S.C. § 1962](#)).

### 3. Civil Remedies

[18 U.S.C. § 1964](#) provides for civil remedies, stating:

"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 creates a private right of action for individuals who have suffered injury to their business or property due to RICO violations, allowing them to sue in federal district court and recover treble damages, costs, and attorney's fees.

### 4. Predicate Acts Relevant to the Husband's Case

Several specific statutes may be relevant as predicate acts for the husband's potential RICO claim:

[18 U.S.C. § 1341](#) (Mail Fraud) prohibits using the postal service or any private interstate carrier to execute "any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises."

[18 U.S.C. § 1343](#) (Wire Fraud) similarly prohibits using wire, radio, or television communications in interstate commerce to execute a scheme to defraud.

[18 U.S.C. § 1952](#) addresses interstate travel in aid of racketeering enterprises, making it unlawful to travel in interstate commerce or use facilities in interstate commerce with intent to "distribute the proceeds of any unlawful activity" or "otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity."

[18 U.S.C. § 1957](#) criminalizes engaging in monetary transactions in property derived from specified unlawful activity, specifically transactions exceeding \$10,000.

### Case Law Interpretation of RICO Requirements

Federal courts have interpreted the requirements for establishing a civil RICO claim. In [Bustos v. Invierte En Tex., 4:22-CV-02690 \(S.D. Tex. Jun 03, 2024\)](#), the court explained that "RICO claims based on allegations of fraud, such as wire or mail fraud, are subject to the heightened pleading burden imposed by Rule 9(b)." The court also noted that "Congress enacted RICO in order to prohibit conduct involving a pattern of racketeering activity" and that one of RICO's enforcement mechanisms is "a private right of action, available to '[a]ny person injured in his business or property by reason of a violation' of RICO's substantive restrictions."

The court in [State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#) outlined the three common elements of

RICO claims under [18 U.S.C. § 1962](#): "(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise." The court further explained that "A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity."

Also significant, the court explained that "RICO claims based on predicate acts of fraud are subject to the heightened pleading requirements of Rule 9(b)," which requires parties to "state with particularity the circumstances constituting fraud or mistake." To meet this standard, a plaintiff should "specify the statements contended to be fraudulent, identify the speaker, state when and where the statements were made, and explain why the statements were fraudulent" ([State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#)).

In [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#), the court discussed the legislative history and purpose of RICO, noting that it was enacted "to combat organized crime through both criminal prosecutions and private actions." The court emphasized that a private right of action is provided under [18 U.S.C. § 1964\(c\)](#), allowing "[a]ny person injured in his business or property by reason of a violation of section 1962" to sue in federal district court and recover treble damages and attorney's fees.

Similarly, [Bonton v. Archer Chrysler Plymouth, Inc., 889 F.Supp. 995 \(S.D. Tex. 1995\)](#) confirmed that RICO provides a private right of action under [18 U.S.C. § 1964\(c\)](#), allowing injured persons to sue in an appropriate U.S. district court and recover threefold damages and attorney's fees.

Additional guidance comes from [Cedra Pharmacy Houston, LLC v. UnitedHealth Grp., Inc., CIVIL ACTION NO. H-17-3800 \(S.D. Tex. Mar 07, 2019\)](#), which reiterated that all civil RICO claims require allegations and proof of "1) a person who engages in 2) a pattern of racketeering activity 3) [which is] connected to the acquisition, establishment, conduct or control of an enterprise."

[Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#) further clarified that regardless of which specific RICO provision a claim is brought under, "three threshold elements must be met: (1) a person who engages in (2) a pattern of racketeering activity (3) connected to the acquisition, establishment, conduct, or control of an enterprise."

In [Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#), the court highlighted that "RICO requires a showing that (1) a person that engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise." Importantly, the court noted that "Because RICO is a federal statute, the racketeering must have at least a minimal nexus with interstate commerce."

[Mitchell Energy Corp. v. Martin, 616 F.Supp. 924 \(S.D. Tex. 1985\)](#) addressed the requirement of showing an injury "by reason of § 1962," noting that some courts have adopted a requirement that plaintiffs must establish a "racketeering injury" to have a cause of action under RICO. However, the

court clarified that the Fifth Circuit (which includes Texas and Oklahoma) has rejected this requirement, meaning that a plaintiff does not need to demonstrate a specific "racketeering injury" beyond the predicate acts.

## **Secondary Materials on RICO Claims**

Secondary materials provide additional insights into the application and requirements of RICO claims. According to [Civil Rico: A Tool of Advocacy](#), "a violation of § 1962(c)... requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." The source emphasizes that "They are all equally essential components, and the complaint will fail if any one of them is not adequately pleaded."

Particularly relevant to the husband's case, the source notes that "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." It also explains that "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."

RICO: A Primer provides that "RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees." It defines a RICO enterprise broadly as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity," noting that courts have interpreted "enterprise" to capture both legitimate and illegitimate enterprises.

The source further explains that a "pattern" may exist "where any combination of two or more offenses occurred within a period of time," and that a plaintiff may demonstrate a pattern by establishing that the predicate acts pose a threat of continued criminal activity, generally demonstrated by showing either:

- "Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.'"
- "Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged."

[Defending Civil RICO Claims: A Defense Plan Should Be In Every Business's Arsenal](#) emphasizes that "RICO is not a simple statute. It pertains to conduct associated with an 'enterprise' and 'a pattern racketeering activity.'" It highlights that "to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud." Additionally, "the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim." Importantly

for the husband's case, the source notes that "a RICO claim cannot exist without some nexus to interstate commerce. If the alleged conduct does not affect interstate commerce, it must be dismissed."

## Analysis of the Husband's Potential RICO Claim

### Existence of Persons Engaged in a Pattern of Racketeering Activity

The husband alleges a scheme involving his wife, her grandmother, and her stepfather to submit fraudulent documents to Texas state courts and make false claims of indigency, abuse, and harassment to gain the house and custody of the children. To establish a RICO claim, the husband must first demonstrate that these individuals engaged in a "pattern of racketeering activity."

Under [18 U.S.C. § 1961](#), a "pattern of racketeering activity" requires at least two acts of racketeering activity within a ten-year period. The alleged acts that might qualify as "racketeering activity" include:

1. **Wire Fraud ([18 U.S.C. § 1343](#))**: The wife's transfer of money across state lines to the stepfather could potentially constitute wire fraud if it was part of a scheme to defraud. [18 U.S.C. § 1343](#) prohibits "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, transmits or causes to be transmitted by means of wire... in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice."
2. **Mail Fraud ([18 U.S.C. § 1341](#))**: If the alleged fraudulent documents were submitted to Texas state courts via mail, this could constitute mail fraud. [18 U.S.C. § 1341](#) prohibits using the mail for executing a scheme to defraud or for obtaining money or property by means of false representations.
3. **Interstate Travel in Aid of Racketeering ([18 U.S.C. § 1952](#))**: The wife's travel to the stepfather's house after allegedly deceiving the husband could potentially fall under this statute if it was undertaken with the intent to "promote, manage, establish, carry on, or facilitate" unlawful activity.
4. **Monetary Transactions in Property Derived from Specified Unlawful Activity ([18 U.S.C. § 1957](#))**: If the money transferred across state lines was derived from unlawful activity and exceeded \$10,000, this could constitute another predicate act under RICO.

To establish these acts as part of a pattern, they must be both "related" and "amount to or pose a threat of continued criminal activity" ([State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31,](#)



[2019](#)). The acts would likely be deemed related if they had "similar purposes, results, participants, victims, or methods of commission" (RICO: A Primer).

The continuity requirement could be satisfied by showing either:

- "Closed-ended continuity" - a series of related predicate acts over a substantial period of time
- "Open-ended continuity" - a threat of continuing criminal activity extending into the future

Given that the alleged scheme resulted in the wife gaining the house and custody of the children, the husband might argue that the acts were part of an ongoing pattern designed to deprive him of his property and parental rights.

## **Connection to an Enterprise Affecting Interstate Commerce**

The next element the husband must establish is the existence of an "enterprise" and its connection to the pattern of racketeering activity. RICO defines an enterprise broadly to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity" ([18 U.S.C. § 1961](#)).

In this case, the enterprise could be characterized as an association-in-fact consisting of the wife, grandmother, and stepfather who allegedly worked together to orchestrate the fraudulent scheme. As noted in RICO: A Primer, courts have interpreted "enterprise" broadly to capture both legitimate and illegitimate enterprises.

To satisfy the interstate commerce requirement, the husband would need to demonstrate that the enterprise's activities had "at least a minimal nexus with interstate commerce" ([Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#)). The transfer of money across state lines and the wife's travel between states would likely satisfy this requirement, as these activities directly involve interstate commerce.

## **Injury to Business or Property**

The husband must also demonstrate that he was "injured in his business or property by reason of a violation of section 1962" ([18 U.S.C. § 1964\(c\)](#)). The loss of his house as a result of the alleged fraudulent scheme would likely qualify as an injury to property. The issue of losing custody of his children, however, might not qualify as an injury to "business or property" under RICO, as courts generally interpret this requirement to refer to economic injuries.

## **Pleading Requirements**

If the husband decides to pursue a civil RICO claim, he must be aware of the heightened pleading requirements for fraud allegations. As stated in [State](#)

[Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#), "RICO claims based on predicate acts of fraud are subject to the heightened pleading requirements of Rule 9(b)," which requires parties to "state with particularity the circumstances constituting fraud or mistake."

This means the husband would need to "specify the statements contended to be fraudulent, identify the speaker, state when and where the statements were made, and explain why the statements were fraudulent." He would need to provide specific details about the allegedly fraudulent documents submitted to the Texas courts, the false claims of indigency, abuse, and harassment, and how these fraudulent acts were part of a scheme orchestrated by the wife, grandmother, and stepfather.

## **Venue and Jurisdiction**

The husband wants to sue in Oklahoma "where the acts occurred." Under [18 U.S.C. § 1964\(c\)](#), a person injured by a RICO violation "may sue therefor in any appropriate United States district court." This means the husband could potentially file his RICO claim in a federal district court in Oklahoma if some of the predicate acts occurred there.

The fact that divorce proceedings are ongoing in Texas raises potential complications. While there is no explicit prohibition against pursuing a RICO claim while divorce proceedings are pending in another state, there may be practical and legal considerations, such as:

1. **Abstention Doctrines:** Federal courts may abstain from exercising jurisdiction over matters closely related to pending state court proceedings, particularly in domestic relations cases.
2. **Domestic Relations Exception:** Federal courts generally avoid interfering in domestic relations matters, which are traditionally the domain of state courts.
3. **Rooker-Feldman Doctrine:** If the husband is essentially seeking to appeal or overturn a state court judgment, federal courts may lack jurisdiction under the Rooker-Feldman doctrine.

However, if the husband's RICO claim is focused solely on damages resulting from the alleged fraudulent scheme, rather than attempting to modify the custody or property determinations made by the Texas court, he may be able to proceed with his federal claim.

## **Potential Challenges and Limitations**

The husband's potential RICO claim faces several challenges and limitations:



## **1. Heightened Pleading Standard**

As previously discussed, RICO claims based on fraud are subject to the heightened pleading requirements of Rule 9(b). The husband would need to plead the alleged fraud with particularity, which may be difficult if he lacks access to specific evidence of the fraudulent scheme.

## **2. Proving a Pattern of Racketeering Activity**

The husband would need to establish at least two predicate acts that constitute a pattern of racketeering activity. This would require showing that the acts were related and demonstrated either closed-ended or open-ended continuity. A single scheme with a narrow purpose and a limited number of participants might not satisfy this requirement.

## **3. Demonstrating an Enterprise**

While the definition of "enterprise" is broad, the husband would still need to demonstrate that the wife, grandmother, and stepfather constituted an "association-in-fact" with a common purpose and some degree of organizational structure or decision-making mechanism.

## **4. Causation**

The husband must establish that his injury was "by reason of" the RICO violation, meaning there must be a direct causal connection between the racketeering activity and his loss of property.

## **5. Domestic Relations Implications**

Courts may be reluctant to entertain what could be perceived as an attempt to circumvent or collaterally attack state court proceedings in domestic relations matters.

## **Conclusion**

Based on the provided legal materials, the husband may have grounds for a civil RICO claim if he can establish that the wife, grandmother, and stepfather engaged in a pattern of racketeering activity connected to an enterprise that affected interstate commerce, and that he suffered injury to his property as a result.

The interstate transfer of money, the wife's travel across state lines, and the submission of allegedly fraudulent documents to Texas courts could potentially constitute predicate acts under RICO, such as wire fraud, mail fraud, interstate travel in aid of racketeering, and monetary transactions in property derived from specified unlawful activity.

To succeed, the husband would need to file his claim in an appropriate federal district court, likely in Oklahoma if that's where some of the

predicate acts occurred. He would need to plead the alleged fraud with particularity, as required by Rule 9(b), and establish all the elements of a RICO violation: (1) persons who engaged in (2) a pattern of racketeering activity (3) connected to an enterprise affecting interstate commerce, resulting in (4) injury to his business or property.

If successful, the husband could recover treble damages, costs, and attorney's fees under [18 U.S.C. § 1964\(c\)](#). However, he should be aware of the challenges and limitations discussed above, including the potential reluctance of federal courts to intervene in matters related to ongoing state domestic relations proceedings.

Given these complexities, the husband would be well-advised to consult with an attorney experienced in both RICO litigation and family law to assess the viability of his claim and develop a strategic approach that addresses the potential legal and practical challenges.

## Legal Authorities

[Mitchell Energy Corp. v. Martin, 616 F.Supp. 924 \(S.D. Tex. 1985\)](#)

**U.S. District Court — Southern District of Texas**

### Extract

Defendants attack Plaintiff's causes of action under the Racketeer Influenced Corrupt Organization Act, 18 U.S.C. § 1961 et seq. ("RICO") and for common law fraud. The Court will discuss each attack individually... Defendants' next RICO argument concerns the scope of § 1962. Defendants claim that Plaintiffs' Complaint does not satisfy the requirements of showing an injury "by reason of § 1962." Specifically, Defendants note that some courts have adopted a requirement that plaintiffs pressing a RICO claim must establish a so-called "racketeering injury" in order to have a cause of action under the statute... Moreover, the imposition of a racketeering injury requirement is a means to an end which the Fifth Circuit has rejected... The Court has examined the Complaint in the instant case and determined that it satisfies Rule 9(b). The Complaint specifies a period of time during which the alleged frauds were perpetrated... and the parties involved in the fraud, the Defendants.

### Summary

Requirements for a RICO claim, specifically addressing the argument that a "racketeering injury" must be shown. The Fifth Circuit has rejected this requirement, meaning that a plaintiff does not need to demonstrate a specific "racketeering injury" beyond the predicate acts. This is relevant to the husband's potential RICO claim, as it suggests that he may not need to prove a separate racketeering injury beyond the fraudulent acts themselves. The passage also emphasizes the importance of pleading fraud with particularity, as required by Rule 9(b), which is relevant to the husband's case if he pursues a RICO claim.

[Trevino v. Pechero, 592 F.Supp.2d 939 \(S.D. Tex. 2008\)](#)

**U.S. District Court — Southern District of Texas**

**Extract**

RICO requires a showing that (1) a person that engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise. *Crowe v. Henry*, 43 F.3d 198, 204 (5th Cir.1995) (quoting *Delta Truck & Tractor, Inc. v. J.I. Case Co.*, 855 F.2d 241 (5th Cir.1988)) (emphasis in original). Because RICO is a federal statute, the racketeering must have at least a minimal nexus with interstate commerce. *R.A.G.S. Couture, Inc. v. Hyatt*, 774 F.2d 1350, 1353 (5th Cir. 1985).

**Summary**

To pursue RICO damages, the husband must demonstrate that the wife, grandmother, and stepfather engaged in a pattern of racketeering activity connected to an enterprise. The passage highlights the necessity of showing a pattern of racketeering activity and a connection to an enterprise, as well as the requirement for a minimal nexus with interstate commerce, which is relevant given the interstate transfer of money. This information is generally applicable to RICO claims in the Fifth Circuit, which includes Texas.

[State Farm Mut. Auto. Ins. Co. v. Punjwani, CIVIL ACTION NO. H-19-1491 \(S.D. Tex. Dec 31, 2019\)](#)

**U.S. District Court — Southern District of Texas**

**Extract**

Claims under RICO, 18 U.S.C. § 1962, have three common elements: '(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise.' *St. Germain v. Howard*, 556 F.3d 261, 263 (5th Cir. 2009) (quoting *Abraham v. Singh*, 480 F.3d 351, 355 (5th Cir. 2007)). 'A pattern of racketeering activity consists of two or more predicate criminal acts that are (1) related and (2) amount to or pose a threat of continued criminal activity.' ... Title 18, United States Code Section 1961(1) lists a number of predicate criminal acts, including wire fraud and mail fraud. RICO claims based on predicate acts of fraud are subject to the heightened pleading requirements of Rule 9(b). *Tel-Phonic Servs., Inc. v. TBS Int'l, Inc.*, 975 F.2d 1134, 1138-39 (5th Cir. 1992). Under Rule 9(b), parties 'must state with particularity the circumstances constituting fraud or mistake.' FED. R. CIV. P. 9(b). To meet this standard, Plaintiff should 'specify the statements contended to be fraudulent, identify the speaker, state when and where the statements were made, and explain why the statements were fraudulent.'

## Summary

Elements required to establish a RICO claim under 18 U.S.C. § 1962, which includes demonstrating a pattern of racketeering activity connected to an enterprise. It also highlights the necessity of meeting the heightened pleading requirements for fraud under Rule 9(b), which requires specificity in detailing the fraudulent acts. This information is directly relevant to the husband's intention to pursue RICO damages, as it provides the legal framework and requirements for such a claim.

[Bonton v. Archer Chrysler Plymouth, Inc., 889 F.Supp. 995 \(S.D. Tex. 1995\)](#)

**U.S. District Court — Southern District of Texas**

## Extract

In 1970, Congress enacted RICO as Title IX of the Organized Crime Control Act to combat organized crime through both criminal prosecutions and private actions. 18 U.S.C. § 1961 et seq. The 'legislative history forcefully supports the view that the major purpose of Title IX is to address the infiltration of legitimate business by organized crime.' United States v. Turkette, 452 U.S. 576, 591, 101 S.Ct. 2524, 2532, 69 L.Ed.2d 246 (1981). A private right of action is provided under 18 U.S.C. § 1964(c): 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

A person can sue in any appropriate U.S. district court and recover threefold damages and attorney's fees. This is relevant to the husband's situation as he seeks to pursue RICO damages for the alleged fraudulent scheme.

[Cedra Pharmacy Houston, LLC v. UnitedHealth Grp., Inc., CIVIL ACTION NO. H-17-3800 \(S.D. Tex. Mar 07, 2019\)](#)

**U.S. District Court — Southern District of Texas**

## Extract

A plaintiff in a civil action may recover damages under the RICO statute, 18 U.S.C. § 1961, et seq., if he is able to allege and prove: 1) a violation of 18 U.S.C. § 1962(a), (b), (c), or (d), and 2) injury to business or property as a result of such violation. 18 U.S.C. § 1964(c) ('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. ..'). Section 1962, as interpreted by the Fifth Circuit Court of Appeals, provides

in its simplest terms, that: Crowe v. Henry, 43 F.3d 198, 203 (5th Cir. 1995). All civil RICO claims require allegations and proof of '1) a person who engages in 2) a pattern of racketeering activity 3) [which is] connected to the acquisition, establishment, conduct or control of an enterprise.' Id. at 204 (emphasis in original).

## **Summary**

General framework for what is required to establish a civil RICO claim, which is relevant to the husband's intention to sue for RICO damages.

[Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#)

### **U.S. District Court — Southern District of Texas**

#### **Extract**

In 1970, Congress enacted RICO as Title IX of the Organized Crime Control Act to combat organized crime through both criminal prosecutions and private actions. See 18 U.S.C. § 1961 et seq. The 'legislative history forcefully supports the view that the major purpose of Title IX is to address the infiltration of legitimate business by organized crime.' United States v. Turkette, 452 U.S. 576, 591, 101 S.Ct. 2524, 2532, 69 L.Ed.2d 246 (1981). A private right of action is provided under 18 U.S.C. § 1964(c), which states in pertinent part: 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**

The RICO statute provides a private right of action for individuals injured in their business or property due to a violation of section 1962. This means that if the husband's claims can be framed as a RICO violation, he may have the right to sue in a U.S. district court for damages, including treble damages and attorney's fees. The passage also highlights the necessity of proving a pattern of racketeering activity, which includes acts like mail and wire fraud.

[Bustos v. Invierte En Tex., 4:22-CV-02690 \(S.D. Tex. Jun 03, 2024\)](#)

### **U.S. District Court — Southern District of Texas**

#### **Extract**

RICO claims based on allegations of fraud, such as wire or mail fraud, are subject to the heightened pleading burden imposed by Rule 9(b).” Indeed, that flaw was fatal not just to RICO but to nearly every claim. ... “Congress enacted RICO in order to prohibit conduct involving a pattern of

racketeering activity.” ... “One of RICO's enforcement mechanisms is a private right of action, available to '[a]ny person injured in his business or property by reason of a violation' of the RICO's substantive restrictions.” ... To state a civil RICO claim under 18 U.S.C. § 1962, a plaintiff must allege three common elements: “(1) a person who engages in (2) a pattern of racketeering activity, (3) connected to the acquisition, establishment, conduct, or control of an enterprise.” ... An act of “racketeering activity,” commonly referred to as a “predicate act,” is defined to include certain criminal acts, including mail and wire fraud, and any act indictable under the Immigration and Nationality Act.

## **Summary**

Framework for understanding the elements required to establish a civil RICO claim, which is relevant to the husband's intention to sue for RICO damages.

[Allstate Ins. Co. v. Benhamou, 190 F.Supp.3d 631 \(S.D. Tex. 2016\)](#)

**U.S. District Court — Southern District of Texas**

## **Extract**

There are four substantive RICO violations set out in § 1962. 18 U.S.C. § 1962(a) -(d). The elements required to state a claim vary according to the particular RICO claim asserted. *Elliot v. Foufas*, 867 F.2d 877, 880 (5th Cir. 1989). However, regardless of what section a claim is brought under, three threshold elements must be met: (1) a person who engages in (2) a pattern of racketeering activity (3) connected to the acquisition, establishment, conduct, or control of an enterprise. *Delta Truck & Tractor, Inc. v. J.I. Case Co.*, 855 F.2d 241, 242 (5th Cir.1988) (emphasis in original). Assuming that all three of these elements are met, the court may then continue to the substantive requirements of each respective subsection.

## **Summary**

Threshold elements required for a RICO claim, which are applicable to the husband's situation if he can demonstrate these elements in his case.

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

## **Extract**

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more



than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: ... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), ... section 1952 (relating to racketeering), ... section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), ... 'pattern of racketeering activity' requires 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;

## **Summary**

The Racketeer Influenced and Corrupt Organizations (RICO) Act defines "racketeering activity" to include acts such as mail fraud, wire fraud, and money laundering, which are relevant to the husband's situation. The passage also explains that a "pattern of racketeering activity" requires at least two acts of racketeering within a ten-year period. This information is crucial for determining whether the husband's case can be pursued under RICO in Oklahoma, as it involves fraudulent activities and interstate transactions.

### [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 addresses unlawful activities related to racketeering. Specifically, it prohibits acquiring or maintaining any interest in an enterprise through a pattern of racketeering activity that affects interstate commerce. This is relevant to the question as the husband's situation involves alleged fraudulent activities and interstate transactions, which could potentially be considered racketeering under this statute.

### [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**

Under 18 U.S.C. § 1964, individuals who have been injured in their business or property due to a violation of section 1962 (RICO violations) can file a lawsuit in a U.S. district court. They are entitled to recover three times the damages they sustained, along with the costs of the suit and reasonable attorney's fees. This provision is applicable to cases involving racketeering activities, which may include the fraudulent actions described in the question.

### [18 U.S.C. § 1343 18 U.S.C. § 1343 Fraud By Wire, Radio, Or Television](#)

## **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, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

## **Summary**

18 U.S.C. § 1343 addresses schemes to defraud using wire communications in interstate commerce. This statute could potentially apply to the situation described if the fraudulent scheme involved wire communications across state lines, such as transferring money or making false claims. The statute provides for fines and imprisonment for those found guilty of such offenses. The husband's situation, involving interstate transfer of money and potentially fraudulent claims, could fall under this statute if wire communications were used in the scheme.

### [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

18 U.S.C. § 1952 addresses the use of interstate or foreign commerce to facilitate unlawful activities, which can include racketeering. The statute provides for penalties, including fines and imprisonment, for those who engage in such activities. This is relevant to the question as it involves the wife transferring money across state lines, which could be considered an unlawful activity under this statute.

[18 U.S.C. § 1957 18 U.S.C. § 1957 Engaging In Monetary Transactions In Property Derived From Specified Unlawful Activity](#)

## Extract

Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b). ... In a prosecution for an offense under this section, the Government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity.

## Summary

18 U.S.C. § 1957 addresses the criminal liability for engaging in monetary transactions involving property derived from unlawful activities. This statute could be relevant to the husband's situation if the wife's transfer of money across state lines involved criminally derived property. The statute does not require the government to prove that the defendant knew the property was derived from unlawful activity, which could simplify the prosecution's burden of proof. This could potentially support a RICO claim if the fraudulent scheme involved racketeering activities.

[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, 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.

## Summary

18 U.S.C. § 1341 addresses schemes to defraud using mail or interstate carriers. The husband's situation involves fraudulent actions that may have included the use of interstate carriers, which could potentially fall under this statute. The statute provides for fines and imprisonment for those found guilty of such offenses.

### [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

The passage outlines the penalties for violating section 1962, which includes engaging in racketeering activities. It specifies that violators can face fines, imprisonment, and forfeiture of property obtained through racketeering. This is relevant to the question as it provides a legal basis for pursuing RICO damages if the actions described fall under racketeering activities as defined by section 1962.

### [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. The practitioner through their pleadings must articulate with great care and attention a viable racketeering... RICO's prohibitions may be enforced in both criminal and civil contexts. In the context of a civil action, a plaintiff must be directly injured by reason of the defendant's racketeering activities. Proximate cause, as an aspect of RICO's "by reason of" standard, requires a

RICO plaintiff to show that the defendant's racketeering offenses led directly to the plaintiff's injuries. 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**

Framework for understanding how to structure a civil RICO claim, which is relevant to the husband's situation if he believes the fraudulent actions meet these criteria.

[CRIMINAL LAW - NINTH CIRCUIT HOLDING HIGHLIGHTS CUMBERSOME APPLICATION OF PRESUMPTION AGAINST EXTRATERRITORIALITY IN FEDERAL STATUTES WITH STATE PREDICATES - UNITED STATES V. PEREZ.](#)

**Suffolk Transnational Law Review - Suffolk University Law School - Callahan, Kathleen - 2021-01-01**

## **Extract**

The Court formalized a two-step framework for analyzing the extraterritorial application of a statute (1) the presumption against extraterritoriality can only be rebutted if the statute provides a clear indication that Congress intended it to apply abroad, and (2) if there is no indication of extraterritoriality, the conduct in the case must evidence a domestic application of the statute. Regarding RICO specifically, the Court held that the racketeering statute may have extraterritorial effect, 'but only to the extent that the predicates alleged in a particular case themselves apply extraterritoriality.'

## **Summary**

Framework for understanding how RICO can be applied to conduct that crosses state or national borders, which is relevant to the husband's situation.

[RICO: A Primer](#)

## **Extract**

The Racketeer Influenced and Corrupt Organizations Act (RICO) was enacted in 1970. Although RICO provides for both civil remedies and criminal penalties, the number of civil RICO claims far outstrips the number of criminal RICO cases brought each year. RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection

of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. ... A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. ... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. ... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: \* Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' \* Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

## **Summary**

The RICO Act allows for civil action against individuals engaged in a pattern of racketeering activity. The definition of an enterprise under RICO is broad and can include both legitimate and illegitimate entities. To establish a RICO claim, a plaintiff must demonstrate a pattern of racketeering activity, which can be shown through either closed-ended or open-ended continuity. This information is relevant to the husband's situation as he may be able to pursue a RICO claim if he can demonstrate that the wife's actions, along with her grandmother and stepfather, constitute a pattern of racketeering activity.

## [RICO: A Primer](#)

### **Extract**

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. ... A RICO enterprise includes 'any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.' Courts have interpreted 'enterprise' broadly, and the definition captures both legitimate and illegitimate enterprises. ... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. ... There are four separate and distinct RICO violations set out in section 1962: (a) acquiring or operating an enterprise using racketeering proceeds; (b) controlling an enterprise using racketeering activities; (c) conducting the affairs of an enterprise using racketeering activities; and (d) conspiring to so acquire, control, or conduct.

## **Summary**

Elements necessary to establish a RICO claim, including the existence of an enterprise and a pattern of racketeering activity. The passage also explains



that RICO claims can be brought against individuals or groups engaged in a scheme that affects interstate commerce, which may be relevant to the husband's situation if he can demonstrate that the fraudulent actions constitute racketeering activity under RICO.

## [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, over 51 years ago with the intent to close the gap in the criminal prosecution of organized crime. ... Civil RICO actions are now ubiquitous, so much so that plaintiffs often attempt to apply the statute to situations that bear little resemblance to the criminal racketeering activity animating the enactment of the statute in the first place. ... 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. ... Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud. ... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim. ... Fifth, a RICO claim cannot exist without some nexus to interstate commerce. If the alleged conduct does not affect interstate commerce, it must be dismissed.

### **Summary**

N overview of the requirements for a civil RICO claim, which includes proving a pattern of racketeering activity, a qualifying criminal action, and a nexus to interstate commerce. These elements are crucial for the husband to consider if he wishes to pursue RICO damages in Oklahoma. The passage also highlights the complexity of RICO claims and the necessity of meeting specific legal criteria, which may be relevant to the husband's situation.

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

### **Extract**

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**

Types of activities prohibited under RICO, which include using a pattern of racketeering to conduct or control an enterprise. This information is relevant to the question as it provides insight into the legal framework under which the husband might pursue RICO damages for the alleged fraudulent scheme.

This memo was compiled by Vincent AI based on vLex materials available as of June 08, 2025. [View full answer on vLex](#)