

Question

TABLE OF CONTENTS I. JURISDICTION AND VENUE II. PARTIES III. RECORD REFERENCES <https://search.txcourts.gov/SearchMedia.aspx?MediaVersionID=61b83e31-36d1-4fbe-a837-5a3228b4cbc4&coa=cossup&DT=RECORD&MediaID=3f4d5220-d7e8-4cc6-a22e-db4ee7e4e9e0> IV. INTRODUCTION V. FACTUAL TIMELINE A. The Myers-Branthroover Enterprise B. Interstate Travel and Transfer C. Admissions D. Post-submission Collaboration E. Significant and Intentional Misrepresentations F. Evidence to the Contrary G. Inclement Weather and First Appearance H. Reset #1 - January 22, 2024, Setting I. Reset #2 - February 1, 2024, Setting J. Termination of Counsel and the Emergency Motion K. Summary Judgment and Notice of Hearing L. Plaintiff's Notice to the Court and Defendant Myers' Self-Help Remedies M. Predicate Acts: Extortion N. One Sided Appellate Efforts, and Defective IWO O. Fraudulent Intervention and Branthoover's Continued Involvement P. Supreme Court, Rule 12, and Emergency Temporary Orders Q. Predicate Act: Wire Fraud R. Recusal Denial and More Delays, and Federal Removal S. Further Delays, DWOP, and the Original SAPCR T. Counsel Suddenly Becomes Active U. Five Concurrent Mandamus Petitions V. Federal RICO Case and the Push Towards Final Trial VI. THE RICO ENTERPRISE A. Structure and Membership B. Expansion, Purpose and Continuity C. Decision-Making and Functioning as a Unit VII. PREDICATE ACTS A. Wire Fraud B. Travel Act Violation C. Extortion D. Fraudulent Court Filings E. Relatedness and Continuity VIII. RICO CONSPIRACY A. Agreement Among Defendants B. Overt Acts in Furtherance IX. POTENTIAL DEFENSES A. Preclusion B. Rooker-Feldman Doctrine C. Younger Abstention D. Judicial Immunity E. Other Affirmative Defenses X. STATE LAW CLAIMS A. Fraud B. Abuse of Process C. Intentional Infliction of Emotional Distress D. Other State Law Claims XI. CLAIMS FOR RELIEF XII. DAMAGES A. Compensatory Damages B. Treble Damages (RICO) C. Punitive Damages D. Restitution Damages XIII. PRAYER FOR RELIEF A. Damages C. Injunctive and Declaratory Relief D. Any Other Relief Deemed Just and Proper RECORD REFERENCES Plaintiff incorporates by reference public records from the Texas Supreme Court, and requests the court to take judicial notice of these documents. The Fifth Circuit has repeatedly held that it is proper for federal courts to take judicial notice of matters of public record, including documents filed in state court proceedings (Miller v. Dunn, 35 F.4th 1007 (5th Cir. 2022); LUV N' Care, Ltd. v. Jackel Int'l Ltd., 502 F.Supp.3d 1106 (W.D. La. 2020); Wright v. Arlington Indep. Sch. Dist., Civil Action No. 4:19-cv-00278-P (N.D. Tex. Nov 25, 2019)). Plaintiff therefore requests that this Court take judicial knowledge of the consolidated mandamus record, as its' authenticity is not reasonably disputed. Here, all record references point to the public consolidated mandamus record, as submitted to the Texas Supreme Court, a copy of which has been served upon each defendant named in this complaint either individually or through their agent. Link to the record: <https://search.txcourts.gov/SearchMedia.aspx?MediaVersionID=8e2d45b4-fb4f-40a0-93bc-ed9ed5f3cebd&coa=cossup&DT=RECORD&MediaID=804ac8d3-9b5f-40b0->

bc41-bbc08c814365 All references to the record are marked herein with "REC. [page]" and are hyperlinked to take the reader directly to the reference. The record is filed under affidavit, and remains unopposed at the time of filing this complaint. Therefore, Plaintiff respectfully asks that the Court take judicial notice of the record under Federal Rule of Evidence 201, filed on June 6, 2025, in the Texas Supreme Court under case numbers 25-0361, 25-0367, 25-0378, 25-0426, and 25-0458.

II. TIMELINE OF EVENTS

BACKGROUND

Morgan Michelle Myers, ("Myers") and Charles Dustin Myers, ("Plaintiff") were married on June 20, 2015, and have two daughters, C.R.M. and M.E.M, aged seven and nine. The evidence in this case will show that in early December of 2023, the entire family was blindsided by Myers' sudden announcement that she wanted a divorce from Plaintiff. REC. 717 The evidence will further show that Myers' reasoning for this divorce changes over time – beginning with how Plaintiff spoke to her, and then switches to abuse and sexual harassment, and allegations of drug abuse, claims that were only brought up in her initial pleadings. On December 12, 2023, Plaintiff discovered a large volume of text messages between Myers and two individuals identified as Debbie Price and Damen Kazlauskas of Fort Worth, Texas spanning between October 2022 and December 2023. REC. 254-714 In response to this discovery, Myers began to communicate with Defendant Daniel Kenneth Branthoover, a resident of Yukon, Oklahoma, who assisted her in the planning, drafting, traveling, and submitting of fraudulent documents to the 322nd District Court of Tarrant County designed to divest Plaintiff of his home and business operations. When these allegations were raised to the State, they failed to adjudicate them and violated the Plaintiff's constitutional rights when he was deprived of the guarantees of equal protection under the law and when he was not afforded due process before being deprived of his property. REC. 183. The central question is whether Defendants Munford, Kaitcer, Carter, and Baker are victims of the initial scheme – or willing participants in an expanded associate-in-fact enterprise that began in December of 2023 as the Myers-Branthroover enterprise.

A. The Myers-Branthroover Enterprise 1. On December 14, 2023, Defendants Morgan Michelle Myers ("Myers") and Daniel Kenneth Branthoover ("Branthroover"), acting in concert and under deceptive pretenses, (REC. 1704), initiated text-message communications through which they formed and advanced a common plan and agreement. Over the weekend of December 15, 2023, they met in Yukon, Oklahoma, to further that plan (REC. 274-278). The deceptive text message from Defendant Branthoover claiming that he wanted to assist Plaintiff was following an attempt by Myers to receive an ex-parte order of protection from the 322nd District Court of Tarrant county, attempted on December 14, 2023 (REC. 78).

B. Interstate Travel and Transfer 2. As part of their agreement, both Defendants planned to draft and submit an original petition for divorce and an affidavit of indigency to the 322nd District Court of Tarrant County, with the intended and foreseeable result of removing Plaintiff from his matrimonial residence at 6641 Anne Court, Watauga, Texas 76148—which also serves as his place of business for clients in the United States, Canada, and the United Kingdom that rely on his market data services (REC. 812 ¶ 16).

3. During Defendant Myers's interstate travel, she transferred the parties' marital funds into Defendant Branthoover's PayPal account in the amount of \$1,576 (REC. 723). Those proceeds funded a second mobile phone (817-940-0852), listed on the fraudulent pleadings that

Myers and Branthoover jointly prepared in Oklahoma, which Myers then carried from Yukon to Texas on December 17, 2023 (REC. 86; 99; 102; 107). C. Admissions 4. On December 16, 2023, Plaintiff reached out to Branthoover and requested that the \$1,576 be returned as they were needed for Christmas gifts for the children, and for business advertising expenses for his business. REC. 728-729. In response, defendant Branthoover admitted that the purpose of defendant Myers' visit was to help her prepare paperwork for divorce litigation and confirmed that the transfer of \$1,576 did in fact occur. REC. 730. Plaintiff's bank statement from December 2023 further confirms this transaction. REC. 723. D. Post-submission Collaboration 5. On December 18, 2023, defendant Myers submitted the fraudulently prepared original petition for divorce, and an affidavit of indigency to the 322nd District Court of Tarrant County. After these documents were submitted, defendant Branthoover sent a text message to Plaintiff on December 19, 2023, at 5:50 P.M. CST, holding himself out to be defendant Myers' attorney, showing his involvement extends past the initial help in preparing the fraudulent documents. REC. 1712-1713 6. Four days later, on December 22, 2023, defendant Myers submitted another knowingly fraudulent application for protective to the 322nd District Court of Tarrant County claiming that family violence had occurred on December 18, 2023, supported by both an affidavit and unsworn declaration. REC. 108-109. E. Significant and Intentional Misrepresentations 7. On December 27 and December 28, 2023, respectively, the documents prepared by Myers with the assistance of Branthoover were served on Plaintiff via the U.S. Constable, and contained the following misrepresentations: i. That defendant Myers could not afford court costs; REC. 72, REC. 85-96 ii. That defendant Myers had an active order of protection against the Plaintiff with a finding of family violence that had occurred during the marriage; REC. 78 at 10 iii. That defendant Myers was financially responsible for the family vehicles, rent payments, utilities, and other household expenses, making herself appear as the primary breadwinner; REC. 92 iv. That defendant Myers would be harassed or abused if Plaintiff were given her newly acquired phone number that was obtained while in Oklahoma; REC. 81 at 15. v. That defendant Myers and Plaintiff ceased living together on December 1, 2023; REC. 74 at 4 vi. That family violence occurred on December 18, 2023, in the presence of the two Children. REC. 108-109. vii. That both family vehicles were defendant Myers' separate property acquired before marriage. REC. 79 at 11B F. Evidence to the Contrary 8. On the same day Defendant Myers claimed to be in an emergency requiring the Plaintiff's prompt removal from the home, she can be seen at the home with Plaintiff and the children in no state of emergency and also still cohabitating in the marital home. REC 1715. 9. Again, on December 29, 2023, Defendant Myers can be seen with Plaintiff at the family home, smiling and laughing with the children in no state of emergency and still collaborating with Plaintiff in the marital home. REC. 1735. 10. The citation for the application for protective order ordered Respondent to show cause as to why it should not issue with a hearing scheduled for January 16, 2024. REC. 118. 11. In response to extensive misrepresentation above, Plaintiff prepared an original answer, filed a motion to consolidate, and provided background information which alleged that defendant Myers was intentionally abusing the legal process. REC. 130-132. Plaintiff was ordered to show cause on January 16, 2024, regarding the protective order application. REC. 118 G. Inclement Weather

and First Appearance 12. On January 15, 2024, the Tarrant County District Courts Facebook page sent out a notice informing the members of the public that the court would be closed on January 16, 2024, due to inclement weather. REC. 1202. 13. Unaware of the closure at the time, the parties appeared at the 322nd District Court of Tarrant County on January 16, 2024, and were met with a dark courtroom, with only one judge in the building at the time of their arrival – Defendant James Munford (“Munford”). 14. Defendant Munford summarily ordered the Plaintiff out of his home, inadvertently assisting the Myers-Branthrover associate-in-fact enterprise of achieving their primary goal in having the Plaintiff removed from his residence, despite the broader goal being to obtain a decree of divorce to permanently divest Plaintiff of his interests. REC. 183. 15. Defendant Munford’s initial order was baseless, made in the absence of any emergency, without a hearing, and disregarded the Plaintiff’s pleadings, telling Myers “you’re going to have to find evidence of family violence!” clearly aware that this order was made without any regard to the Plaintiff’s constitutional rights. 16. Defendant Jeffrey Kaitcer, (“Kaitcer”) walked into the courtroom late due to the inclement weather and turned the courtroom into a laughing matter as he began to joke with Defendant Munford, and instructed the parties to download the AppClose app for communication, and the matter was reset for January 22, 2024. There exists no record of this proceeding, only marked appearances on the docket. H. Reset #1 – January 22, 2024, Setting 17. At the January 22 reset hearing, the parties appeared only to have the case reset once more because defendant Myers allegedly retained the services of Defendant Cooper Carter, (“Carter”) in the lobby of the courthouse just moments before the hearing was scheduled to begin. No appearance can be traced to this setting by either party on the docket (REC. 1551), and once again, no hearing was held, and the case reset for a second time to February 1, 2024. REC. 186. 18. Kaitcer permitted attorney Dan Bacalis, Plaintiff’s prior attorney, to fill out the Associate Judge’s Report, and the parties never went before him as indicated by the case docket’s lack of appearance on this date by either party. I. Reset #2 – February 1, 2024, Setting 19. One day prior to the February 1 setting, both attorneys, Defendant Carter and Dan Bacalis, both amended the petition for divorce and counterpetition for divorce without the parties’ knowledge. (REC. 189, REC. 209) These amended documents were similar, submitted on the same day, and raised concerns for Plaintiff regarding his quality of representation. 20. At the February 1 setting, both parties were in the conference rooms outside of Defendant Kaitcer’s courtroom, when attorney Bacalis walks in holding a settlement agreement. When Plaintiff refused this option and requested that they go have a hearing before the judge. 21. This is when Bacalis stated, as witness affidavits corroborate, that he “knows this Judge and this is the best we can get.” and further stated “[w]e’ll be here all day. We can come back and change it later.” 22. Outraged by this response, Plaintiff paid very close attention to the settlement offer Bacalis was pressuring him to sign, and noticed the following provisions: A typed written Order conforming to this Report will follow within 20 days from the date this Report is signed. The Temporary Order shall be prepared by DAN BACALIS. Each attorney should approve the Order. The parties do not need to approve the Order. The attorney reviewing the proposed Order shall have five (5) days to do so. There are no ten (10) day letters. If an agreement is not reached, a Motion to Sign shall be filed and set within thirty (30) days from

the signing of this Report. IT IS SO ORDERED (REC. 233) J. Termination of Counsel and the Emergency Motion 23. With the above provisions in mind, Plaintiff signed the document and immediately fired his attorney and provided notice to the court. REC. 221. By doing so, Plaintiff gained access back to the residency, invalidated the agreement, and was able to use the time back in the house to run damage control on his business operations while preparing to expose the Myers-Branthroover enterprise to the court via a MOTION TO RECONSIDER EVIDENCE AND VACATE TEMPORARY ORDERS, which was filed on February 9, 2024, within three business days of the February 1 agreed associate judge's report being served by the clerk. REC. 240 24. In this motion, it was specifically stated that: i. "I am seeking immediate court intervention to correct procedural errors and address the misuse of the legal system by the Petitioner." REC. 244 ii. "Particularly, Dan Branthroover became involved. He is the boyfriend of the Petitioner's Mother. Shortly thereafter, I received a notice from our joint bank account stating that \$1,576 had just been withdrawn. As our bank statement for December 2023 will demonstrate - the transaction record shows the funds being transferred directly to Mr. Branthroover's PayPal account" REC. 245 iii. "The Petitioner's action of filing for divorce under an Affidavit of Inability to pay three days after transferring \$1,576 to herself starkly contravenes the mandates set forth in Chapter 10, Section 10.001 of the Civil Practice and Remedies Code". REC 247 at B2 iv. "The Petitioner violated Chapter 10, Section 10.001 a second time within the same document when she intentionally elected to waive the 60-day waiting period claiming to have an active protective order against me that found family violence had occurred during our marriage." REC 247 at B3. v. "This suit was the second attempt by the Petitioner to have me removed from the home, which ultimately succeeded." REC 248 at D1 25. The motion went on to explain the factual pattern described up to this point, putting the court on notice of the key issues with provided exhibits which were duly served on Carter. In response to Plaintiff's motion, he received the first of just two email communications from Carter throughout the case's history, where she claimed she would be filing a counter motion when disclosing her availability for the hearing on Plaintiff's emergency motion. REC. 2794 No such countermotion was filed by Carter. K. Summary Judgment and Notice of Hearing 26. By February 22, no response had been filed by Carter, so Plaintiff filed a Partial Motion for Summary Judgment. REC. 758. Plaintiff also submitted a proposed parenting plan as Exhibit D. REC. 769. No response was ever received from Carter. 27. On February 27, 2024, Defendant Munford signed and issued a notice of hearing to the parties with the hearing set for March 14, 2024. REC. 776. L. Plaintiff's Notice to the Court and Defendant Myers' Self-Help Remedies 28. On March 3, 2024, Plaintiff notified the Court that he would not be leaving the home as it was not in the best interests of his children. REC. 782. 29. The following day, on March 6, 2024, while walking his daughters to school, Myers ran inside the family home, and locked him out of the marital residence, leaving a sign on the door that said "[y]ou should have been out by Saturday you are now locked out!" REC. 1748. 30. Plaintiff called local law enforcement to help him regain entry into the home, where mother produced the agreed associate judge's report signed on February 1, 2024, and used it as a means to block Plaintiff's entrance to the home. 31. To avoid further conflict, Plaintiff was escorted into the home where he was able to grab only his computer and a few clothes and went to Flower Mound to

temporarily stay with his father until the time of the hearing on his emergency motion, scheduled for March 14, 2024, at 9:00 A.M. L. The Hearing On Plaintiff's Emergency Motion 32. On March 14, 2024, the parties arrived at the 322nd District Court, and on the way into the courtroom, defendants Myers and Carter could be seen in the conference room, quickly shuffling papers back and forth. 33. After checking in with the bailiff, Plaintiff turned around to see defendant Carter extending to him a document titled "Temporary Orders" that were the reduced version of the February 1 associate judge's report. REC. 888. 34. These orders, which were not prepared by Dan Bacalis, which were not agreed to by the parties, were reduced well outside of the 20-day requirement as ordered by the judge, and which were never filed with the clerk, stated the following misrepresentations: i. On February 1, 2024, the Court heard Petitioner's motion for temporary orders. ii. The parties have agreed to the terms of this order as evidenced by the signatures below. REC. 888. iii. The Court, after examining the record and the agreement of the parties and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties. REC. 888. iv. The dates that the parties would have access to the family residence was altered, changing the date Plaintiff was supposed to leave from March 1, 2024, to March 20, 2024, and changing Myers' date of re-entry from March 1, 2024, to March 30, 2024, leaving a 10-day window where no one would occupy the residence. v. This modification was made to prevent Myers from being liable for illegally locking Plaintiff out of the home on March 6, 2024. 35. On the last page of the orders, Plaintiff's attorney who was terminated weeks earlier did not sign the document, and Plaintiff refused to sign the document for the forthcoming reasons: i. It claimed a hearing occurred on a motion which was never set for a hearing or served on the Plaintiff and doesn't exist on the docket. ii. It was prepared by defendant Carter, not Dan Bacalis. iii. The associate judge was presiding over a de novo request of his own prior report. iv. The matrimonial address was incorrect, as it stated "6641 Anns Court", rather than 6641 Anne Court. REC. 915, REC. 922 v. The orders were not in the best interests of the children. vi. Notwithstanding the Plaintiff's revocation of consent by filing the emergency motion, the terms were altered right before they were rendered into effect by defendant Kaitcer. vii. Plaintiff did not agree to the terms as he was in court that very day to expose Myers. M. Predicate Acts: Extortion 36. Kaitcer, knowing that no response was filed, knowing that he was presiding over a hearing to which he had no subject matter jurisdiction, and knowing that the temporary orders produced by defendant Carter was served just moments earlier, signed another associate judge's report pre-drafted by defendant Carter, which summarily denied the Plaintiff's emergency motion, ignored the fact that Carter had not provided a response, and within the report itself, Plaintiff was ordered to sign the document that Carter had just presented to him despite raising objections to its' contents, and despite his consent not being present. REC. 795. 37. Finally, defendant Kaitcer refused to consider Plaintiff's exhibits, including six affidavits prepared by his business clients who have been directly affected by his inability to provide the real-time market data services his clients relied on, who were located throughout the United States. REC. 851; REC. 854; REC. 857; REC. 860; REC. 863; REC. 867; REC. 870. 38. Following the setting, the orders were rendered into

effect without Plaintiff's signature (REC. 925), and Plaintiff filed a request for findings of fact and conclusions of law (REC. 883), and filed and amended a "Preparatory Notice for Judicial Review" which recounted the factual timeline up to that point, and included the affidavits that Kaitcer refused to accept on March 14, 2024. REC. 798, REC. 851, REC. 854, REC. 857, REC. 860, REC. 863, REC. 867, REC. 870. 39. The orders stated they were to remain in effect until the final decree of divorce, and Plaintiff's journey of one-sided appeals began. N. One Sided Appellate Efforts, and Defective IWO 40. Following the rendition of the temporary orders on March 26, 2024, Plaintiff spent between April 8, 2024 and September 15, 2024, appealing via mandamus to the Second Court of Appeals and the Texas Supreme Court. REC. 1010. 41. During the appellate efforts, Carter filed one of two motions in the case, which was a motion for pre-trial conference filed on April 24, 2024, on her behalf by Roderick D. Marx, a party not named in the suit. REC. 1014, REC. 1016. 42. Plaintiff immediately objected to the pre-trial conference, and no response was ever issued by Carter or the court. REC. 1018. 43. On April 30th, Plaintiff filed his notice of completion regarding the parenting course as ordered, despite actively trying to vacate them. REC. 1047. No parenting course was ever completed by Myers. 44. On May 2, 2024, Plaintiff's en banc reconsideration was denied in the Second Court of Appeals, and he began preparing an appeal to the Supreme Court of Texas. REC. 1067. 45. On May 19, 2024, Carter sent the second and last email correspondence that would be received in the case, which falsely claimed he agreed to the orders signed on March 14, 2024, and requested that he fill out an IWO, which Plaintiff found to be defective. REC. 1722, REC. 1728. No further correspondence was received by Carter. O.

Fraudulent Intervention and Branthoover's Continued Involvement 46. On June 23rd Plaintiff filed a motion in state court entitled MOTION FOR JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION at 12:14 P.M. REC. 1075. This motion received no response from Carter. 47. On June 23rd at 1:54 P.M., directly following the submission of the motion, Branthoover texted Plaintiff stating "Lol. And here comes another denial. Please sue me individually. Please.", referring to the earlier filed motion and showing his continued oversight of the case's progression since his initial predicate acts. 48. Four days later, on June 28, 2024, the Texas Office of the Attorney General allegedly filed an intervention pleading, claiming that Plaintiff was past due on child support, and requested information from Plaintiff. REC. 1099. 49. Most notably, the certificate of service to this intervention pleading was allegedly signed by Holly Hayes, the designated attorney for the OAG, yet the name underneath the signature line reads CHOYA BURKLEY. REC. 1102. 50. Plaintiff promptly objected to the intervention, and never received any response from the OAG, Carter, or the court. REC. 1106. P. Supreme Court, Rule 12, and Emergency Temporary Orders 51. As Plaintiff continued to appeal to the Supreme Court of Texas, all prosecution came to an end in the trial court. It wasn't until September 15, 2024, that Plaintiff filed a first amended rehearing motion in the Texas Supreme Court, (REC. 1136) and after noticing Carter's lack of participation, he began to question her authority given several ambiguities surrounding her representation, and filed a rule 12 motion to show authority. REC. 1170. No response was ever received to this motion from Carter. 52. At this point, Plaintiff had been staying in Airbnb homes while he sought relief to ensure he could remain close to his daughters during this time. On September 26,

2024, he filed and later amended an EMERGENCY MOTION FOR TEMPORARY ORDERS and requested expedited relief by October 1, 2024, as that was when Plaintiff was forced to move away from the area due to cost of living being unsustainable. REC. 1184. No response was ever received from Carter regarding this motion. 53. By October 1, Plaintiff had no choice but to start pursuing administrative remedies, and thought the court was biased against him given the case's history up to that point. He began to prepare a Joint Motion to Recuse defendants Munford and Kaitcer and filed it with the clerk of the court on October 7, 2024. REC. 1197. Q. Predicate Act: Wire Fraud 54. On October 8, 2024, Defendant Munford signed and forwarded a "Joint Motion to Recuse" attached to his order of referral to regional presiding judge David L. Evans but was notably missing the exhibits and affidavit critical to the motion. REC. 1222 55. A copy of this exchange was sent via defendant Baker on 4:43 P.M. on October 8. REC. 1254 56. Plaintiff immediately pointed out the discrepancies between the motion filed and the motion forwarded to David L. Evans, where she replied and admitted that the full document had been e-filed and remains with the court. REC. 1255 57. Unsatisfied with this response, Plaintiff further pointed out that the filing size of the document filed and the one referring to David L. Evans was significantly different. No further correspondence was received by Baker until the following day. REC. 1256 58. The following day on October 8, 2024, defendant Munford signed and filed an "Amended Order of Referral" which had the full motion attached this time, albeit still modified as the hyperlinks and bookmarks had been removed. REC. 1282 59. This amended referral was sent via email correspondence by Baker at 11:17 A.M. on October 8, 2024, who stated that due to the size of the motion, it was split into three parts. REC. 1258. This excuse directly contradicts the standard filing procedure in Tarrant County, which was raised and subsequently ignored in an objection. REC. 1269. No response was filed in regard to the motion to recuse or objection by Carter. R. Recusal Denial and More Delays, and Federal Removal 60. Justice E. Lee Gabriel was assigned to hear the motion, which had to be rescheduled due to technical difficulties for November 7, 2024. REC. 1306. 61. The morning of the hearing, Plaintiff woke up with a dental emergency, and promptly notified all parties, and requested a reset for the hearing, which everyone agreed to. REC. 1393-1396. 62. Despite this agreement, the recusal was denied for failure to appear, and made no mention of the agreement or the emergency. REC. 1398. 63. With no other remedies left, Plaintiff removed the case to Federal Court on December 2, 2024, which was quickly remanded back on December 4, 2024. REC. 1426. 64. On December 14, 2024, defendant Branthoover texted Plaintiff, sending a threat which stated "[w]hen things all over, you get to deal with me." at 2:15 P.M. REC. 1720 65. On December 16, 2024, Plaintiff initiated suit against Daniel Kenneth Branthoover in the Western District of Oklahoma seeking relief in the form of damages from the ongoing deprivation from his home. REC. 1451. 66. Plaintiff notified the Texas court of this lawsuit on December 31, 2024. REC. 1446. S. Further Delays, Motion to Dismiss for Want of Prosecution, and the Original SAPCR 67. On January 24, 2025, Plaintiff filed a motion to dismiss for want of prosecution due to the total lack of participation in the case by the opposing party. REC. 1527. No response was ever received from Carter on this motion. 68. On January 29, 2025, defendant Myers began disposing of Plaintiff's personal belongings that remained on the family property. REC.

1629-1631. 69. On February 12, 2025, Plaintiff learned that his youngest daughter was suffering from dental pain due to Myers' failure to obtain dental insurance for the children. REC. 3281. 70. By March 14, (REC. 1833-1837) the judges had still not been reinstated from the first recusal, which led Plaintiff to reach out to Baker to request a hearing on his unopposed summary judgment that had been on the docket since February 22, 2024, where he had to remind her to reinstate the judges back into the case. REC. 1833-1837. 71. Given the delays, and since the case had been brought in bad faith initially, the Plaintiff opened an original SAPCR suit in the 233rd District Court of Tarrant County on March 18, 2025, where he argued for dominant jurisdiction in a cover letter sent to the clerk. REC. 2260. T. Counsel Suddenly Becomes Active 72. The very next day, defendant Carter filed an original answer filed on her behalf by Roderick Marx. REC. 2279. The motion was a boilerplate motion, and was followed by a motion to consolidate, which was filed in the wrong court, and was also filed on Carter's behalf by RODERICK D. MARX. REC. 2284. 73. The Plaintiff immediately responded by filing a motion to strike (REC. 1957) a Rule 12 motion to show authority challenging both Carter and RODERICK D MARX's authority (REC. 2288) and on March 24, 2025, an emergency ex-parte TRO to prevent Myers from barring Plaintiff's access to the home. (REC. 2302) No responses were ever received from Carter on these motions. 74. On March 26, 2025, an objection was filed to Carter's consolidation motion in the 233rd court. REC. 1881. 75. Plaintiff reached out to the coordinator from the 233rd and went through the process to present the motion to the judge. REC. 2338-2341. 76. On March 29, 2025, Plaintiff appeared before Associate Judge Kate Stone, who refused to hear Plaintiff's emergency motion despite no response being filed, and told him to leave the courtroom. The hearing date scheduled for April 10, 2025, as agreed by Carter and Plaintiff (REC. 2358), was actually un-set by Stone. REC. 2361. 77. The grounds for this outright refusal was due to Carter calling in a favor from the judge without even being present in the courtroom, to where Stone left the room, came back, and told the Plaintiff to leave informing him that a motion to consolidate would be filed by Carter the following week. U. Five Concurrent Mandamus Petitions 78. Subsequently, after he was turned away from the courtroom, Carter's consolidation motion wasn't filed until April 4, 2025 (REC. 2367), resulting in two mandamus petitions to try again to have the March 14, 2024, order signed by Kaitcer vacated, and to compel Kate Stone to hear the emergency TRO. See 25-0361, 25-0367. 79. On the same day the mandamus was filed against Stone, District Judge Kenneth Newell sua sponte granted Carter's consolidation motion in both courts without a hearing, and without addressing the emergency situation for the children or the Plaintiff's objections, leading to a third mandamus proceeding. REC. 2393, See also 25-0378. 80. On April 23, 2025, a notice of trial setting was served on the parties by defendant Munford in the midst of all of these issues. REC. 1773. 81. The same day, Plaintiff filed an objection and requested an emergency stay. REC. 2219. No response was received to this objection by either Munford or Carter. 82. Two days later on April 25, 2025, Plaintiff filed his second recusal motion, and amended it on April 28, 2025, this time only against Munford, and requested that the rules of procedure be followed, and objected to the involvement of the court coordinator given the prior recusal's ambiguity and significant delays caused by her involvement. REC. 2488 No response to this motion was ever filed from Carter. 83. Baker

continued to be involved in the recusal process, this time erroneously forwarding an order of referral from defendant Kaitcer, who was not named in the recusal motion. REC. 2615. 84. Plaintiff immediately objected on April 29, 2025, naming two issues: 1) the coordinator was still involved, and 2) the order of referral sent by Kaitcer was erroneous. REC. 2620. 84. Plaintiff objected to the order of assignment of John H. Cayce (REC. 3149) which was issued on May 7, 2025, due to the unresolves issues. REC. 2620. 85. David L. Evans overruled this objection on May 15, 2025, leading to mandamus petition 25-0426, a direct appeal to the Texas Supreme Court. REC. 3507. 86. On May 20, 2025, John H. Cayce summarily denied the recusal, including the denial of a motion to recuse Kaitcer which was never filed, leading to mandamus petition 25-0458, a second direct appeal to the Texas Supreme Court. 87. All five petitions were denied both initially and on rehearing, and all emergency motions to stay proceedings were dismissed. The only insights given from the appellate courts was: "Denied, per curiam." No response was filed by any implicated judge or opposing counsel. V. Federal RICO Case and the Push Towards Final Trial 88. In June of 2025, Plaintiff amended his complaint against Daniel Kenneth Branthoover and enjoined Myers as a defendant, which they defended pro-se. 89. Plaintiff communicated this action with the trial court, and no further action was taken in the case until August of 2025, when defendant Munford sua sponte set the case for final trial on December 10, 2025. 90. Plaintiff immediately objected to this trial setting, and moved to recuse Munford for a third time. 91. The court coordinator continued to be involved in the process, leading to a subsequent motion to recuse the regional presiding judge, David L. Evans. 92. Plaintiff now prepares this suit to hold defendants accountable for their collective actions, and to prevent their common goal from being achieved, which is to obtain defendant Myers a final decree of divorce. 93. For the forthcoming reasons, the conduct outlined herein constitutes conduct of an enterprise through a pattern of racketeering activity, as several predicate acts were committed, the enterprise shares a common purpose, and Plaintiff has suffered direct and ongoing injury to business and property as a direct result of the defendant's collective predicate acts. RICO The timeline and evidence provided demonstrate that the Myers-Branthroover group constitutes an association-in-fact enterprise under RICO, with a common goal to deprive the Plaintiff of his home and business through a pattern of racketeering activity—specifically, wire fraud, Travel Act violations, and fraudulent court filings—causing direct injury to the Plaintiff's business and property. The conduct, structure, and continuity among the participants, as well as the use of interstate communications and travel, satisfy the elements of a RICO claim in the Tenth Circuit, with the liability of other defendants depending on their knowledge and intent. A. Summary The Myers-Branthroover enterprise, as detailed in the factual timeline, meets the Tenth Circuit's requirements for a RICO claim by establishing an association-in-fact enterprise with a defined structure, purpose, and continuity. The group's coordinated actions—including interstate transfer of funds, preparation and submission of fraudulent legal documents, and ongoing manipulation of court proceedings—constitute a pattern of racketeering activity, with predicate acts of wire fraud and Travel Act violations that are related and continuous. Plaintiff's direct and ongoing injury to his business and property, including loss of home, business operations, and client relationships, is proximately caused by the enterprise's acts. While Myers and Branthoover's

liability is clear, the involvement of other defendants (Munford, Kaitcer, Carter, and Baker) may be characterized as inadvertent or willing participation, depending on their knowledge and intent, but the core elements of a RICO violation are satisfied by the conduct of Myers and Branthoover as outlined in the enumerated timeline. The additional acts committed by each defendant, as alleged, furthered the scheme of the enterprise despite each additional defendant having actual knowledge of the fraudulent scheme.

RICO Statutory Framework

The Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. §§ 1961–1968, provides a civil cause of action for individuals injured in their business or property by reason of a pattern of racketeering activity conducted through an enterprise affecting interstate or foreign commerce. The most commonly invoked provision, § 1962(c), prohibits any person employed by or associated with an enterprise from conducting or participating in the conduct of such enterprise's affairs through a pattern of racketeering activity. Section 1962(d) further prohibits conspiracies to violate any of the substantive RICO provisions. To establish a civil RICO claim under § 1962(c), a plaintiff must prove:

- i. The existence of an enterprise;
- ii. The enterprise's engagement in, or effect on, interstate or foreign commerce;
- iii. The defendant's employment by or association with the enterprise;
- iv. The defendant's participation, directly or indirectly, in the conduct of the enterprise's affairs;
- v. The defendant's participation through a pattern of racketeering activity or collection of unlawful debt.

See *100 Mount Holly Bypass v. Axos Bank*, Case No. 2:20-CV-856-TS-CMR (D. Utah Jul 27, 2021).

B. Predicate Acts and Pattern Requirement

RICO defines "racketeering activity" to include a wide range of criminal offenses, including wire fraud (18 U.S.C. § 1343) and violations of the Travel Act (18 U.S.C. § 1952). A "pattern of racketeering activity" requires at least two predicate acts within a ten-year period, but the acts must be related and amount to or pose a threat of continued criminal activity. The Supreme Court has clarified that a RICO violation requires both an "enterprise" and a "pattern of racketeering activity," with the enterprise being a group of persons associated for a common purpose, and the pattern involving a series of criminal acts (*United States v. Harris*, 695 F.3d 1125 (10th Cir. 2012)). The Tenth Circuit has further explained that, to establish a pattern, it is not enough to simply show that two predicate acts occurred within ten years; the acts must also be related and pose a threat of continued criminal activity (U.S. v. Smith, 413 F.3d 1253 (10th Cir. 2005)). Note, however, that U.S. v. Smith has been stated as overruled by *United States v. Nissen*, 555 F.Supp.3d 1174 (D. N.M. 2021) on unrelated grounds, but its articulation of the pattern requirement remains consistent with current law.

C. Enterprise and Association-in-Fact

An "enterprise" under RICO includes any individual, partnership, corporation, association, or group of individuals associated in fact, even if not a legal entity. For an association-in-fact enterprise, the Tenth Circuit requires:

- i. A purpose;
- ii. Relationships among those associated with the enterprise;
- iii. Longevity sufficient to permit the associates to pursue the enterprise's purpose;
- iv. A decision-making framework or mechanism for controlling the group;
- v. Functioning as a continuing unit;
- vi. Existence separate and apart from the pattern of racketeering activity.

See *100 Mount Holly Bypass*.

D. Conspiracy

Section 1962(d) makes it unlawful to conspire to violate any of the substantive RICO provisions. A RICO conspiracy does not require the establishment of an enterprise but requires that a defendant adopts the goal

of furthering or facilitating a criminal endeavor that would satisfy the elements of a substantive RICO offense (United States v. Martinez, 543 F.Supp.3d 1209 (D. N.M. 2021); United States v. Randall, 661 F.3d 1291 (10th Cir. 2011)). E. Injury Requirement RICO provides a private right of action for individuals injured in their business or property through fraudulent conduct, and there is no requirement that the conduct be connected to organized crime in a civil setting (Plains Resources, Inc. v. Gable, 782 F.2d 883 (10th Cir. 1986)). ANALYSIS F. Existence of an Association-in-Fact Enterprise The timeline establishes that Myers and Branthoover formed an association-in-fact enterprise beginning in December 2023 (¶¶ 1-7, 93). Their collaboration was structured, with Myers as the petitioner in the divorce and Branthoover as the planner, drafter, and facilitator of fraudulent documents and financial transactions. The group had a clear purpose: to divest the Plaintiff of his home and business through fraudulent legal filings and manipulation of court processes (¶¶ 1-7, 93). The enterprise's structure is evidenced by: i. The initial planning and agreement to meet in Yukon, Oklahoma, to draft fraudulent documents (¶¶ 1-3); ii. The use of interstate communications and travel to further the scheme (¶¶ 2-3); iii. Ongoing coordination and adaptation to changing circumstances, including the preparation and submission of false affidavits and pleadings, and manipulation of court proceedings (¶¶ 5-7, 34, 93). This satisfies the Tenth Circuit's requirements for an association-in-fact enterprise, which does not require a formal legal entity but does require a common purpose, relationships, and sufficient longevity to pursue the enterprise's goals. G. Structure, Purpose, Relationships, and Continuity The Myers-Branthrover group meets the requirements for an association-in-fact enterprise: i. Purpose: The shared goal was to deprive the Plaintiff of his home, business, and property interests through fraudulent means (¶¶ 1-7, 93). ii. Relationships: Myers and Branthoover maintained ongoing communications, coordinated actions, and divided roles in the scheme (¶¶ 1-7, 93). iii. Longevity and Continuity: The enterprise operated over a substantial period, from at least December 2023 through present day 2025, with multiple related acts and ongoing adaptation to changing circumstances (¶¶ 1-93). iv. Decision-Making Framework: The group planned, agreed on steps, and executed those steps in a coordinated manner (¶¶ 1-7, 93). v. Existence Separate from Predicate Acts: The enterprise was formed for the purpose of achieving a specific goal and engaged in multiple acts over time to accomplish that goal. H. Predicate Acts: Wire Fraud, Travel Act Violations, and Fraudulent Filings The timeline identifies multiple predicate acts that qualify as racketeering activity under RICO: i. Wire Fraud: Myers transferred \$1,576 in marital funds to Branthoover's PayPal account during interstate travel, and these funds were used to purchase a phone for use in the fraudulent scheme (¶¶ 3, 4, 5, 6, 7, 34). The use of electronic communications (text messages, emails) to plan and execute the scheme further supports the wire fraud allegation (¶¶ 1-7, 34). ii. Travel Act Violations: Myers traveled from Texas to Oklahoma to meet with Branthoover, where they planned and prepared fraudulent legal documents, which were then transported back to Texas and submitted to the court (¶¶ 2, 3, 4, 5, 6, 7). iii. Fraudulent Filings: The preparation and submission of false affidavits and pleadings to the court, containing material misrepresentations about financial status, family violence, and property ownership, constitute further predicate acts (¶¶ 5, 6, 7, 34). At least two related predicate acts

within ten years are required (U.S. v. Smith, 413 F.3d 1253 (10th Cir. 2005)), and the timeline shows multiple, related predicate acts over a substantial period (¶¶ 1-93). I. Pattern of Racketeering Activity: Relatedness and Continuity The predicate acts were not isolated incidents but part of an ongoing scheme. The acts were related in that they all aimed to deprive the Plaintiff of his property and business, and they posed a threat of continued criminal activity, as the enterprise continued to operate and adapt its tactics over time (¶¶ 1-93). The timeline shows that the enterprise's activities extended over a substantial period, with multiple acts occurring over months and involving ongoing coordination and adaptation to changing circumstances. J. Injury to Business or Property Plaintiff suffered direct and ongoing injury to his business and property as a result of the enterprise's actions. He was deprived of his home and business operations, lost access to marital funds, and was unable to provide services to clients, resulting in financial harm (¶¶ 2, 3, 4, 5, 6, 7, 37). These injuries are precisely the type of harm RICO is designed to redress. Plains Resources, Inc. v. Gable, 782 F. 2d 883 (10th Cir. 1986)). K. Participation of Other Defendants: Inadvertent or Willing The timeline raises the question of whether Munford, Kaitcer, Carter, and Baker were victims of the initial scheme or willing participants in the expanded enterprise. The evidence suggests that, at a minimum, Myers and Branthoover were the core members of the enterprise, with others potentially becoming involved through their actions in the legal proceedings (¶¶ 14-93). i. Inadvertent Participation: Some defendants may have participated inadvertently, such as by issuing orders or facilitating court processes without knowledge of the underlying scheme (¶¶ 14-93). ii. Willing Participation: Others may have become willing participants if they knowingly furthered the enterprise's objectives or ignored clear evidence of fraud and misrepresentation (¶¶ 14-93). RICO does not impose liability for inadvertent or unwitting participation; there must be knowing and willful involvement in the conduct of the enterprise's affairs. For the forthcoming reasons, Plaintiff alleges that the Defendants are willing participants in the scheme. VICTIM OR PARTICIPANT RICO liability extends to those who knowingly participate in the conduct of the enterprise's affairs, even if they were not original members (RICO: A Primer (2022-01-31)). The timeline raises the question of whether Munford, Kaitcer, Carter, and Baker were victims of the initial scheme or willing participants in the expanded enterprise. The evidence suggests that, at a minimum, Myers and Branthoover were the core members of the enterprise, with others becoming involved through their actions in the legal proceedings (¶¶ 14-93). The timeline demonstrates that Carter, Kaitcer, and Myers engaged in extortion by leveraging the threat of adverse legal action, fraudulent court orders, and the manipulation of judicial process to coerce Plaintiff into relinquishing property and business interests, satisfying the elements of extortion as a predicate act under RICO and the Travel Act. Munford and Baker, for their part, committed wire fraud by intentionally sending altered or incomplete court documents via interstate email, with the intent to mislead, obstruct relief, and further the enterprise's objective of finalizing the divorce and depriving Plaintiff of his property, thus meeting the requirements for wire fraud as a RICO predicate act. These acts, as detailed in the timeline, are not isolated but part of a coordinated pattern of racketeering activity within an association-in-fact enterprise, as required by RICO in the Tenth Circuit. The conduct of each defendant is tied to specific predicate acts—extortion

for Carter, Kaitcer, and Myers (notably at timeline events 33-37), and wire fraud for Munford and Baker (notably at events 54-59, 83)—demonstrating knowing and willful participation in the enterprise’s broader scheme to deprive Plaintiff of his home and business through fraudulent and coercive means.

A. Extortion and Wire Fraud The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, provides a civil cause of action for injury to business or property caused by a pattern of racketeering activity conducted through an enterprise affecting interstate commerce. Predicate acts under RICO include extortion (as defined by the Hobbs Act and the Travel Act) and wire fraud (18 U.S.C. § 1343), among others.

Extortion is defined as obtaining property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. The Travel Act, 18 U.S.C. § 1952, includes extortion as an “unlawful activity” and does not require it to be part of a business enterprise (U.S. v. Welch, 327 F.3d 1081 (10th Cir. 2003)). The Tenth Circuit recognizes that extortion under the Travel Act can be established by showing threats or coercion to obtain something of value, including property or legal rights, in violation of state or federal law. Wire fraud under 18 U.S.C. § 1343 requires (1) a scheme to defraud or obtain property by false or fraudulent pretenses, (2) intent to defraud, and (3) use of interstate wire communications to execute the scheme (Clinton v. Sec. Benefit Life Ins. Co., 63 F.4th 1264 (10th Cir. 2023); United States v. Holloway, 826 F.3d 1237 (10th Cir. 2016)). The Tenth Circuit requires that the deprivation of property be a central object of the scheme, and that the use of wires (including email) be knowing and in furtherance of the fraudulent scheme (United States v. Tao, 629 F.Supp.3d 1083).

B. Extortion by Carter, Kaitcer, and Myers Extortion, as a RICO predicate act, is defined broadly under federal law and the Travel Act. It includes obtaining property or rights through threats, coercion, or misuse of official process (U.S. v. Welch, 327 F.3d 1081 (10th Cir. 2003)). The Tenth Circuit does not require extortion to be part of a business enterprise for Travel Act purposes; a single act suffices if it has the requisite interstate nexus. The timeline shows the following:

- i. Event 33-34: Carter, with Myers, prepared and presented “Temporary Orders” that misrepresented facts (e.g., that Plaintiff agreed to terms he did not, that a hearing occurred when it did not, and that the orders were in the best interests of the children). These orders altered the dates of access to the home to shield Myers from liability for locking Plaintiff out, and were presented to Plaintiff in a context where he was under threat of losing his home and business.
- iii. Event 36: Kaitcer, knowing the orders were disputed and that no response had been filed, signed an associate judge’s report pre-drafted by Carter, summarily denying Plaintiff’s emergency motion and ordering Plaintiff to sign the disputed document, despite his objections and lack of consent.
- iv. Event 35: Plaintiff refused to sign the orders for multiple reasons, including their fraudulent content and the lack of due process, but the orders were rendered into effect without his signature. These acts collectively demonstrate the use of legal process and the threat of adverse judicial action to coerce Plaintiff into surrendering his property and business interests. The manipulation of court orders, the misrepresentation of facts, and the pressure to sign under threat of losing his home constitute extortion under the Travel Act and RICO (U.S. v. Welch, 327 F.3d 1081 (10th Cir. 2003)). Myers’s role is clear: she was the beneficiary and instigator of the fraudulent filings and the manipulation of court

process, using the threat of legal action and the actual deprivation of Plaintiff's property to achieve her goal. Carter and Kaitcer acted in concert with Myers, knowingly facilitating the extortion by preparing, presenting, and enforcing fraudulent orders, and by using the authority of the court to coerce Plaintiff. The fact that Plaintiff was ordered to sign a document he objected to, under threat of continued deprivation of his home and business, is classic extortion by color of official right. All three defendants knew that Plaintiff did not agree to the order, as he had just fired his attorney to challenge any basis for an agreement. This implies that despite the motion being served on all defendants, they chose to ignore the allegations of a fraudulent scheme and further the affairs of the enterprise. These actions meet the requirements for extortion as a RICO predicate act: they involved the wrongful use of threats and official process to obtain property (the home and business) from Plaintiff, with his consent induced by fear of further loss or legal harm. The acts were not isolated but part of a coordinated scheme to achieve the enterprise's goal of finalizing the divorce and divesting Plaintiff of his property B. Wire Fraud by Munford and Baker Wire fraud under 18 U.S.C. § 1343 requires a scheme to defraud, intent to defraud, and use of interstate wire communications to execute the scheme (Clinton v. Sec. Benefit Life Ins. Co., 63 F.4th 1264 (10th Cir. 2023); United States v. Holloway, 826 F.3d 1237 (10th Cir. 2016)). The Tenth Circuit recognizes that sending altered or incomplete court documents via email, with the intent to mislead or deprive someone of property or rights, can constitute wire fraud if the deprivation of property is a central object of the scheme (United States v. Tao, 629 F.Supp.3d 1083). The timeline shows the following: i. Event 54: Munford signed and forwarded a "Joint Motion to Recuse" attached to his order of referral, but the document was missing critical exhibits and affidavits necessary for Plaintiff's relief. ii. Event 55: Baker sent a copy of this incomplete filing via email, representing it as the full document. iii. Event 56-57: When Plaintiff pointed out the discrepancies, Baker provided inconsistent explanations, first claiming the full document was e-filed, then later stating it was split into three parts due to size. iv. Event 58: Munford signed and filed an "Amended Order of Referral" with the full motion attached, but with hyperlinks and bookmarks removed, further impairing the document's integrity. v. Event 59, 83: Baker continued to forward altered or incomplete orders and referrals, even when procedural irregularities were raised. These acts involved the knowing use of interstate email to transmit altered or incomplete court documents, with the intent to prevent Plaintiff from obtaining relief and to further the enterprise's goal of finalizing the divorce and depriving Plaintiff of his property. The use of email to transmit these documents satisfies the interstate wire requirement, and the intent to defraud is evidenced by the deliberate alteration and misrepresentation of the filings. The conduct of Munford and Baker meets the elements of wire fraud: (1) a scheme to defraud Plaintiff of property and rights, (2) intent to defraud by preventing relief and misleading the court and Plaintiff, and (3) use of interstate wire communications (email) to execute the scheme (Clinton v. Sec. Benefit Life Ins. Co., 63 F.4th 1264 (10th Cir. 2023)). The deprivation of property (Plaintiff's home and business) was a central object of the scheme, not a minor part.

RELATIONSHIP AND CONTINUITY

All these acts—extortion by Carter, Kaitcer, and Myers, and wire fraud by Munford and Baker—were committed in furtherance of the Myers-Branthrover enterprise's overarching objective: to finalize the

divorce and divest Plaintiff of his home and business. The acts were coordinated, continuous, and related, satisfying the RICO pattern requirement. The timeline shows that each defendant's conduct was not an isolated error or routine administrative act, but part of a deliberate scheme to use the legal process, threats, and fraudulent communications to achieve the enterprise's unlawful goals. **DAMAGES** The harm inflicted upon Plaintiff is staggering. He has lost the home in which he lived for nearly a third of his life, the companionship of his spouse, and the society of his children. His income has collapsed. For two years he has been consigned to a futile appellate gauntlet, even as Defendants Munford, Kaitcer, Baker, and Carter have repeatedly exceeded the bounds of their lawful authority in furtherance of a broader scheme. What began as a concerted effort by Myers and Branthoover to dispossess Plaintiff of his residence and property metastasized into a calculated plan to procure a final decree of divorce once the initial objective had been achieved. The objective was plain: by engineering a final decree, Defendants would not only hobble Plaintiff's ability to bring this suit but also invite invocation of the Rooker-Feldman doctrine and related abstention principles to preclude federal jurisdiction. Now, after two years of unremitting effort, Plaintiff seeks the only meaningful remedy remaining: federal redress to halt the ongoing abuses of authority, to unwind tainted actions, and to compensate him fully for the catastrophic losses Defendants have wrought. Take each piece in the TABLE OF CONTENTS, research the topic, and tie it to the factual timeline, filling out each element of the RICO complaint and tie each element to the factual allegations by enumerated paragraph number. What are the legal standards and requirements for establishing subject matter jurisdiction and venue in a civil RICO action in the Fifth Circuit, and how should these be pleaded and supported in a complaint?

Answer (Fifth Circuit)

Short response

To establish subject matter jurisdiction and venue in a civil RICO action in the Fifth Circuit, a plaintiff must clearly plead a substantial federal RICO claim under 18 U.S.C. §§ 1961–1968, demonstrate a nexus to interstate commerce, and allege venue under both the general federal venue statute (28 U.S.C. § 1391) and the RICO-specific venue provisions (18 U.S.C. § 1965), supporting these with specific factual allegations in the complaint. The complaint must affirmatively state the statutory basis for jurisdiction and venue, identify the relevant parties and their connections to the forum, and tie the alleged RICO enterprise and predicate acts to the district where the action is brought.

Summary

In the Fifth Circuit, federal subject matter jurisdiction over a civil RICO action is established by pleading a substantial claim under the Racketeer Influenced and Corrupt Organizations Act (RICO), which provides a federal cause of action for persons injured by a pattern of racketeering activity

affecting interstate or foreign commerce. The complaint must allege facts showing the existence of an enterprise, a pattern of racketeering activity, and a nexus to interstate commerce, and must specify the statutory basis for jurisdiction—typically federal question jurisdiction under 28 U.S.C. § 1331, and, if applicable, diversity jurisdiction under 28 U.S.C. § 1332.

Venue in a civil RICO action is governed by both the general federal venue statute (28 U.S.C. § 1391) and the RICO-specific venue provisions (18 U.S.C. § 1965). The complaint must allege that at least one defendant resides, is found, has an agent, or transacts affairs in the district, and, if nationwide service of process is sought, that the "ends of justice" require bringing in additional defendants from other districts. The pleading must include specific factual allegations supporting these venue and jurisdictional requirements, and must tie the alleged RICO conduct and injuries to the chosen forum.

Background and Relevant Law

Legislative and Regulatory Framework

The civil RICO statute, 18 U.S.C. §§ 1961–1968, creates a federal cause of action for persons injured in their business or property by reason of a violation of RICO's substantive provisions. Section 1964(c) confers subject matter jurisdiction for civil RICO claims, while § 1965 governs venue and personal jurisdiction. Section 1965(a) allows a civil RICO action to be brought in any district where a defendant resides, is found, has an agent, or transacts affairs. Section 1965(b) permits nationwide service of process and personal jurisdiction over additional defendants if the "ends of justice" require it, provided at least one defendant is subject to jurisdiction in the forum under § 1965(a) ([Civil Rico: A Tool of Advocacy](#) (2024-01-01)).

The general federal venue statute, 28 U.S.C. § 1391, also applies, allowing venue in a district where any defendant resides (if all reside in the same state), where a substantial part of the events or omissions giving rise to the claim occurred, or where a substantial part of the property at issue is located ([Gross v. Stufflebean, 3:21-CV-3107-L-BH \(N.D. Tex. Dec 15, 2021\)](#); Antitrust and International Commerce (2022-02-02)).

Case Law

Federal courts are courts of limited jurisdiction and may only hear cases authorized by the Constitution or federal statutes. The plaintiff bears the burden of affirmatively pleading and supporting the basis for federal jurisdiction ([Archer Farms v. UMB Bank](#), 3:24-CV-328- SA-JMV (N.D. Miss. Jun 03, 2025); [Nelson v. Dupree, Civil Action 24-709-JWD-SDJ \(M.D. La. Aug 22, 2025\)](#)). In civil RICO actions, subject matter jurisdiction is typically based on federal question jurisdiction under 28 U.S.C. § 1331, as RICO is a federal statute ([Clapper v. Am. Realty Inv'rs, Inc.](#) (2019-10-31); [Williams v. Am. Commerical Lines, Inc., CIVIL ACTION NO. 20-139-SDD-EWD \(M.D. La. Jul 23, 2020\)](#)). Diversity jurisdiction under 28 U.S.C. § 1332 may also be

available if the parties are completely diverse and the amount in controversy exceeds \$75,000 ([Clapper v. Am. Realty Inv'rs, Inc.](#) (2019-10-31)).

To invoke federal question jurisdiction, the complaint must present a substantial federal RICO claim on its face, not merely conclusory or insubstantial allegations ([Phillips v. GEICO Ins. Co., 3:24-cv-1017-X-BN \(N.D. Tex. May 13, 2024\)](#)). The well-pleaded complaint rule requires that the federal claim be apparent from the face of the complaint ([Johnson v. Loyola Univ. New Orleans, CIVIL ACTION NO. 15-308 SECTION: "L" \(4\) \(E.D. La. Aug 21, 2015\)](#)).

Venue in civil RICO actions is determined by both the general venue statute and the RICO-specific provisions. Under § 1965(a), venue is proper in any district where a defendant resides, is found, has an agent, or transacts affairs. Section 1965(b) allows for nationwide service of process and personal jurisdiction over additional defendants if the "ends of justice" require it, but only after establishing personal jurisdiction over at least one defendant under § 1965(a) ([Health v. Gabali](#) (2023-09-22); [Thermco Sys. v. Expert Semiconductor Tech., Civil Action 4:24-cv-621 \(E.D. Tex. Aug 12, 2025\)](#); [Anchor Glass Container Corp. v. Stand Energy Corp.](#), 711 F.Supp. 325 (S.D. Miss. 1989)).

The complaint must also allege a nexus to interstate or foreign commerce, as this is a jurisdictional element of a civil RICO claim (RICO: A Primer (2022-01-31)). Predicate acts should have an impact on or involve activities across state lines.

Analysis

Pleading Subject Matter Jurisdiction in a Civil RICO Action

To properly plead subject matter jurisdiction in a civil RICO action in the Fifth Circuit, the complaint must:

1. **Cite the Statutory Basis for Jurisdiction:** The complaint should explicitly state that the court has jurisdiction under 28 U.S.C. § 1331 (federal question) because the action arises under RICO, 18 U.S.C. §§ 1961-1968 ([Clapper v. Am. Realty Inv'rs, Inc.](#) (2019-10-31); [Williams v. Am. Commerical Lines, Inc., CIVIL ACTION NO. 20-139-SDD-EWD \(M.D. La. Jul 23, 2020\)](#)). If diversity jurisdiction is also present, the complaint should allege complete diversity and the amount in controversy exceeding \$75,000 ([Nelson v. Dupree, Civil Action 24-709-JWD-SDJ \(M.D. La. Aug 22, 2025\)](#)).
2. **Allege a Substantial Federal RICO Claim:** The complaint must set forth facts showing a plausible RICO claim, not merely conclusory assertions ([Phillips v. GEICO Ins. Co., 3:24-cv-1017-X-BN \(N.D. Tex. May 13, 2024\)](#)). This includes:
 - The existence of an enterprise;
 - The conduct of the enterprise's affairs by the defendant(s);

- A pattern of racketeering activity (at least two related predicate acts within ten years);
 - A nexus to interstate or foreign commerce;
 - Injury to the plaintiff's business or property by reason of the RICO violation ([Brickley v. Scantech Identification Beams Sys., LLC, 566 B.R. 815 \(W.D. Tex. 2017\)](#); [St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)).
3. **Affirmatively Allege the Basis for Jurisdiction:** The complaint must affirmatively and distinctly allege the basis for jurisdiction, not rely on inference or argument ([Archer Farms v. UMB Bank](#), 3:24-CV-328- SA-JMV (N.D. Miss. Jun 03, 2025)).
 4. **Demonstrate a Nexus to Interstate Commerce:** The complaint should allege facts showing that the enterprise or the predicate acts affected interstate or foreign commerce (RICO: A Primer (2022-01-31)).
 5. **Plead Injury and Causation:** The plaintiff must allege that they were injured in their business or property by reason of the RICO violation, and that the violation proximately caused the injury ([Williams v. Am. Commerical Lines, Inc., CIVIL ACTION NO. 20-139-SDD-EWD \(M.D. La. Jul 23, 2020\)](#)).

Pleading Venue in a Civil RICO Action

To properly plead venue, the complaint must:

1. **Cite the Statutory Basis for Venue:** The complaint should reference both the general venue statute (28 U.S.C. § 1331) and the RICO-specific venue provisions (18 U.S.C. § 1965) ([Gross v. Stufflebean, 3:21-CV-3107-L-BH \(N.D. Tex. Dec 15, 2021\)](#); [Anchor Glass Container Corp. v. Stand Energy Corp., 711 F.Supp. 325 \(S.D. Miss. 1989\)](#)).
2. **Allege Factual Basis for Venue:** The complaint must allege that at least one defendant resides, is found, has an agent, or transacts affairs in the district ([Health v. Gabali](#) (2023-09-22)). Alternatively, venue is proper where a substantial part of the events or omissions giving rise to the claim occurred, or where a substantial part of the property at issue is located (Antitrust and International Commerce (2022-02-02)).
3. **Nationwide Service of Process:** If the plaintiff seeks to bring in additional defendants from other districts, the complaint must allege that the "ends of justice" require their presence, and that at least one defendant is subject to jurisdiction in the forum under § 1965(a) ([Thermco Sys. v. Expert Semiconductor Tech., Civil Action 4:24-cv-621 \(E.D. Tex. Aug 12, 2025\)](#); [Health v. Gabali](#) (2023-09-22)).
4. **Tie Venue to the Factual Allegations:** The complaint should tie the venue allegations to the factual timeline, showing that the events, omissions, or property at issue are connected to the district.

Application to the Factual Timeline

Applying these standards to the provided factual timeline:

- **Subject Matter Jurisdiction:** The complaint should state that the court has jurisdiction under 28 U.S.C. § 1331 because the action arises under RICO, 18 U.S.C. §§ 1961–1968. The complaint should then set out, with reference to the enumerated paragraphs, the existence of the Myers-Branthroover enterprise (¶¶ 1–7, 93), the pattern of racketeering activity (wire fraud, extortion, Travel Act violations, and fraudulent court filings at ¶¶ 3–7, 34, 36, 54–59, 83), the nexus to interstate commerce (interstate travel and wire transfers at ¶¶ 2–3), and the injury to business and property (loss of home, business, and clients at ¶¶ 2–7, 37).
- **Venue:** The complaint should allege that venue is proper in the district because at least one defendant resides, is found, has an agent, or transacts affairs there (e.g., Myers and other Texas-based defendants), and that a substantial part of the events or omissions giving rise to the claim occurred in the district (e.g., the preparation and filing of fraudulent documents, court proceedings, and deprivation of property all occurred in Tarrant County, Texas, as detailed in ¶¶ 1–93). If additional out-of-district defendants are named, the complaint should allege that the "ends of justice" require their presence and that at least one defendant is subject to jurisdiction in the forum.
- **Supporting Allegations:** The complaint should include specific factual allegations supporting each element of the RICO claim and the basis for jurisdiction and venue, referencing the record and public documents as appropriate. The plaintiff may request the court to take judicial notice of public records, such as the consolidated mandamus record, to support the factual allegations ([Miller v. Dunn, 35 F.4th 1007 \(5th Cir. 2022\)](#)).

Pleading Standards

The complaint must meet the pleading standards of Federal Rule of Civil Procedure 8(a), requiring a short and plain statement showing entitlement to relief, and must raise the right to relief above a speculative level ([Princess Cruise Lines, Ltd. v. Walltopia Adventure U.S., LLC](#) (2025-09-18)). For allegations of fraud as predicate acts, the complaint must satisfy the heightened pleading standard of Rule 9(b), stating with particularity the circumstances constituting fraud ([Munck Wilson Mandala LLP v. Jordan, Civil Action 3:22-cv-01657-M \(N.D. Tex. Aug 22, 2023\)](#)).

Burden of Proof

The plaintiff bears the burden of establishing subject matter jurisdiction and venue. If challenged, the plaintiff must come forward with evidence showing that venue is proper and that the court has jurisdiction ([C & C Cartage, Inc. v. Continental Indem. Co.](#) (2024-03-29)).

Potential Defenses

Defendants may challenge subject matter jurisdiction (e.g., by arguing the RICO claim is insubstantial or barred by the Rooker-Feldman doctrine if it is a collateral attack on a state court judgment ([Miller v. Dunn, 35 F.4th 1007 \(5th Cir. 2022\)](#))), or may challenge venue as improper. The complaint should anticipate and address these potential defenses by clearly tying the RICO claim to federal law and the events in the district.

Exceptions and Caveats

- **Rooker-Feldman Doctrine:** If the RICO claim is, in substance, an appeal of a state court judgment, federal courts may lack jurisdiction ([Miller v. Dunn, 35 F.4th 1007 \(5th Cir. 2022\)](#)).
- **Insufficient Pleading:** If the complaint fails to allege a substantial RICO claim or does not tie the events to the district, the court may dismiss for lack of subject matter jurisdiction or improper venue ([Phillips v. GEICO Ins. Co., 3:24-cv-1017-X-BN \(N.D. Tex. May 13, 2024\)](#)).
- **Litigation Activity as Predicate Act:** The Fifth Circuit cautions that ordinary litigation activity cannot serve as a predicate act for a RICO claim ([CADG Erwin Farms LLC v. Ipour](#) (2024-04-01)).

Conclusion

To establish subject matter jurisdiction and venue in a civil RICO action in the Fifth Circuit, the complaint must affirmatively plead a substantial federal RICO claim, allege a nexus to interstate commerce, and specify the statutory and factual basis for both jurisdiction and venue. The complaint should tie the alleged RICO enterprise, predicate acts, and injuries to the district, and support these allegations with specific facts and references to the record. Proper pleading of these elements is essential to withstand motions to dismiss and to ensure the federal court can adjudicate the RICO claim.

Legal Authorities

[Johnson v. Loyola Univ. New Orleans, CIVIL ACTION NO. 15-308 SECTION: "L" \(4\) \(E.D. La. Aug 21, 2015\)](#)

U.S. District Court — Eastern District of Louisiana

Extract

"The plaintiff is 'the master of her complaint,' and, as such, a determination that a cause of action presents a federal question depends upon the allegations of the plaintiff's well-pleaded complaint." Medina v. Ramsey Steel Co. 238 F.3d 674, 680 (5th Cir.2001)(internal quotation marks omitted). Federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's well-pleaded complaint. Olivier, citing Caterpillar Inc. v.

Williams, 482 U.S. 386, 392, 107 S.Ct. 2425, 96 L.Ed.2d 318 (1987). Under the well-pleaded complaint rule, the plaintiff is the master of the claim and may avoid federal jurisdiction by exclusively relying on state law, even where a federal claim is also available. Olivier at 584, see also Hoskins v. Bekins Van Lines, 343 F.3d 769, 772-73 (5th Cir.2003)(“As we have explained, ‘[a] plaintiff with a choice between federal-and state-law claims may elect to proceed in state court on the exclusive basis of state law, thus defeating the defendant’s opportunity to remove, but taking the risk that his federal claims will one day be precluded.’”).

Summary

The passage explains that for federal jurisdiction to exist, a federal question must be presented on the face of the plaintiff's well-pleaded complaint. This means that the complaint must clearly allege a federal cause of action, such as a RICO claim, to establish subject matter jurisdiction. The plaintiff has the discretion to frame the complaint to either invoke or avoid federal jurisdiction. This principle is crucial for establishing subject matter jurisdiction in a civil RICO action, as the complaint must explicitly state the federal RICO claim to bring the case under federal jurisdiction.

[Brickley v. Scantech Identification Beams Sys., LLC, 566 B.R. 815 \(W.D. Tex. 2017\)](#)

U.S. District Court — Western District of Texas

Extract

RICO prohibits '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. § 1962(c). It is also unlawful for any person to conspire to violate RICO. 18 U.S.C. § 1962(d). To state a RICO claim, plaintiffs must allege the following 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.' Abraham v. Singh, 480 F.3d 351, 355 (5th Cir. 2007).

Summary

Essential elements required to establish a RICO claim, which are crucial for determining subject matter jurisdiction in a civil RICO action. It specifies that a plaintiff must allege a person engaged in a pattern of racketeering activity connected to an enterprise. This is foundational for establishing jurisdiction as it ties the alleged conduct to federal law under RICO.

[Crowe v. Henry, 43 F.3d 198 \(5th Cir. 1995\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

The district court found sufficient allegations as to a pattern of racketeering activity and as to violations of 18 U.S.C. Sec. 1962, but agreed with the defendants that Crowe had failed to adequately plead a RICO enterprise. Accordingly, the district court dismissed the RICO claim. The pendent state claims were later dismissed making the action final. Crowe now appeals to this Court... Lastly, the defendants are also correct that Crowe has failed to adequately allege a RICO conspiracy under 18 U.S.C. Sec. 1962(d).

'[B]ecause the core of a RICO civil conspiracy is an agreement to commit predicate acts, a RICO civil conspiracy complaint, at the very least, must allege specifically such an agreement.'

Summary

The passage highlights the necessity of adequately pleading a RICO enterprise and conspiracy. Specifically, it emphasizes that a RICO civil conspiracy complaint must allege an agreement to commit predicate acts. This is crucial for establishing subject matter jurisdiction in a RICO action, as the failure to adequately plead these elements can result in dismissal.

[**Miller v. Dunn, 35 F.4th 1007 \(5th Cir. 2022\)**](#)

U.S. Court of Appeals — Fifth Circuit

Extract

The Rooker - Feldman doctrine generally precludes lower federal courts 'from exercising appellate jurisdiction over final state-court judgments.' Lance v. Dennis, 546 U.S. 459, 463, 126 S.Ct. 1198, 163 L.Ed.2d 1059 (2006) (per curiam). This is because Congress gave the Supreme Court exclusive jurisdiction to review such judgments. Ibid. (collecting cases); see 28 U.S.C. § 1257. As we have explained: 'If a state trial court errs[,] the judgment is not void, it is to be reviewed and corrected by the appropriate state appellate court. Thereafter, recourse at the federal level is limited solely to an application for a writ of certiorari to the United States Supreme Court.'

Summary

The passage explains that the Rooker-Feldman doctrine limits the subject matter jurisdiction of lower federal courts by preventing them from reviewing final state-court judgments. This is relevant to civil RICO actions because if a RICO claim is essentially an appeal of a state court decision, the federal court may lack jurisdiction. The passage highlights the importance of ensuring that a RICO claim is not merely a collateral attack on a state court judgment, which would be barred by the Rooker-Feldman doctrine.

[St. Paul Mercury Ins v. Williamson, 224 F.3d 425 \(5th Cir. 2000\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

RICO creates a civil cause of action for '[a]ny person injured in his business or property by reason of a violation of section 1962.' Beck v. Prupis, 120 S. Ct. 1608, 1611 (2000) (quoting 18 U.S.C. § 1964(c)). ... Under all those subsections, to state a RICO claim, there must be: '(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 supplied/retained).

Summary

Basic elements required to establish a RICO claim, which are essential for determining subject matter jurisdiction in a civil RICO action. These elements include a person engaging in a pattern of racketeering activity connected to an enterprise. The passage does not directly address venue but provides the foundational elements necessary for a RICO claim, which are crucial for establishing jurisdiction.

[Gross v. Stufflebean, 3:21-CV-3107-L-BH \(N.D. Tex. Dec 15, 2021\)](#)

U.S. District Court — Northern District of Texas

Extract

The general venue provisions of 28 U.S.C. § 1391, as supplemented by THE RICO venue provisions, provide the basis for determining the proper venue for the RICO claims asserted in this action. See Sissom v. University of Texas High School, No. 3:17-cv-1512-G-BN, 2017 WL 2505231, at * 1 (N.D. Tex. June 9, 2017). Section 1391(b) provides: A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which... 28 U.S.C. § 1391(b). The RICO venue provision provides: 18 U.S.C. § 1965.

Summary

The venue for a civil RICO action is determined by the general venue provisions of 28 U.S.C. § 1391, supplemented by the specific RICO venue provisions under 18 U.S.C. § 1965. The passage outlines that a civil action

may be brought in a judicial district where any defendant resides (if all defendants reside in the same state), where a substantial part of the events or omissions giving rise to the claim occurred, or where a substantial part of the property that is the subject of the action is situated. The passage also notes that the plaintiff's complaint must cite a basis for venue under these statutes.

[Thermco Sys. v. Expert Semiconductor Tech., Civil Action 4:24-cv-621 \(E.D. Tex. Aug 12, 2025\)](#)

U.S. District Court — Eastern District of Texas

Extract

Plaintiff also contends that personal jurisdiction over Defendants is proper under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), which contains a nationwide service of process provision. Under 18 U.S.C. § 1965(b), '[i]n any action under [§ 1964] in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States.' This provision permits a federal court to exercise nationwide personal jurisdiction over nonresident defendants if: (1) the plaintiff asserts a viable RICO claim; (2) at least one defendant resides in the district; and (3) the 'ends of justice' require bringing the out-of-district defendants before the court.

Summary

Clear explanation of the requirements for establishing personal jurisdiction in a civil RICO action under 18 U.S.C. § 1965(b). It outlines the conditions under which a federal court can exercise nationwide personal jurisdiction over nonresident defendants, which is crucial for establishing subject matter jurisdiction and venue in a RICO case.

[Phillips v. GEICO Ins. Co., 3:24-cv-1017-X-BN \(N.D. Tex. May 13, 2024\)](#)

U.S. District Court — Northern District of Texas

Extract

It is not clear from the conclusory assertions of the complaint that Phillips has alleged more than an insubstantial civil RICO claim, such that there is subject matter jurisdiction under 28 U.S.C. § 1331. Cf. D&T Partners, L.L.C. v. Baymark Partners Mgmt., L.L.C., 98 F.4th 198, 204 (5th Cir. 2024) ('When drafting the legislation, Congress incorporated provisions in RICO that allow private plaintiffs to seek redress in federal courts. Even so, pursuing that recovery is often a challenging undertaking. Problems typically arise at the

pleadings stage, as courts are hesitant to find RICO violations, and plaintiffs have difficulty alleging them.' (citations omitted)). But, insofar as there is subject matter jurisdiction under 28 U.S.C. § 1332, Phillips still has not shown any connection between her claims and this federal judicial district, such that venue is proper here, even under the broader RICO venue provisions. To the extent that Phillips relies on those provisions, 'to determine proper venue here, the Court looks to the general venue provision, [28 U.S.C. §] 1391, as augmented by the RICO venue provisions,' 18 U.S.C. § 1965(a) and (b).

Summary

Establishing subject matter jurisdiction in a civil RICO action requires more than conclusory assertions; the claim must be substantial under 28 U.S.C. § 1331. Additionally, venue must be proper under both the general venue provision (28 U.S.C. § 1391) and the RICO-specific provisions (18 U.S.C. § 1965(a) and (b)). The passage highlights the challenges plaintiffs face in adequately pleading RICO claims and establishing venue, emphasizing the need for a clear connection between the claims and the judicial district.

[Nelson v. Dupree, Civil Action 24-709-JWD-SDJ \(M.D. La. Aug 22, 2025\)](#)

U.S. District Court — Middle District of Louisiana

Extract

Unlike state district courts, which are courts of general jurisdiction that can hear all types of claims, federal courts may only entertain those cases over which there is federal subject matter jurisdiction. There are two primary ways to establish federal subject matter jurisdiction. First, this Court has subject matter jurisdiction over 'civil actions arising under the Constitution, laws, or treaties of the United States' (federal question jurisdiction). This Court also has subject matter jurisdiction over civil cases where the amount in controversy is more than \$75,000.00 and the parties are of completely diverse citizenship (i.e., all plaintiffs are citizens of a different state than all defendants) (diversity jurisdiction). A federal court should presume that a case lies outside its subject matter jurisdiction, and the burden to prove federal subject matter jurisdiction is on the party asserting it (here, Plaintiff).

Summary

General overview of how federal subject matter jurisdiction can be established, which is relevant to civil RICO actions. It explains that federal courts have jurisdiction over cases arising under federal law (federal question jurisdiction) and cases involving diverse parties with an amount in controversy exceeding \$75,000 (diversity jurisdiction). The passage also emphasizes that the burden of proving federal subject matter jurisdiction lies with the party asserting it, which is crucial for plaintiffs in civil RICO actions to understand.

[C & C Cartage, Inc. v. Continental Indem. Co.](#)

U.S. District Court — Southern District of Mississippi

Extract

A party may move to dismiss an action for improper venue. Fed.R.Civ.P. 12(b)(3). Once a defendant objects to venue under this Rule, plaintiffs bear the burden to 'come forward with evidence showing venue is proper in the judicial district in which the action was brought.' Deepwell Energy Servs., LLC v. Sims, No. 2:18-CV-53-KS-MTP, 2018 WL 9963839, at *3 (S.D.Miss. July 16, 2018). 'On a Rule 12(b)(3) motion to dismiss for improper venue, the court must accept as true all allegations in the complaint and resolve all conflicts in favor of the plaintiff.' Braspetro Oil Servs. v. Modec (USA), Inc., 240 Fed.Appx. 612, 615 (5th Cir. 2007).

Summary

The passage provides guidance on how venue challenges are handled in the Fifth Circuit. It explains that when a defendant challenges venue, the plaintiff must provide evidence that the venue is proper. The court will accept the allegations in the complaint as true and resolve conflicts in favor of the plaintiff. This is relevant to establishing venue in a civil RICO action, as it outlines the procedural requirements and the burden of proof on the plaintiff.

[Williams v. Am. Commerical Lines, Inc., CIVIL ACTION NO. 20-139-SDD-EWD \(M.D. La. Jul 23, 2020\)](#)

U.S. District Court — Middle District of Louisiana

Extract

As to federal question, Plaintiff alleges violations of federal criminal statutes and violations of RICO, 18 U.S.C. § 1961, et seq. A plaintiff does not generally have a private cause of action under a federal criminal statute. To the extent Plaintiff believes Defendants have committed federal crimes within the Middle District of Louisiana, the United States Attorney for the Middle District of Louisiana is the chief federal law enforcement officer for the district and is responsible for enforcing federal criminal laws. Conversely, there is a private cause of action for a violation of RICO and an adequately stated RICO claim can establish federal question jurisdiction. Here, however, Plaintiff has not adequately alleged a RICO claim. 18 U.S.C. § 1964 provides a civil cause of action for '[a]ny person injured in his business or property by reason of a violation' of RICO's substantive provisions. § 1962 enumerates substantive violations. To recover under § 1964(c), a plaintiff must prove not only all elements of a substantive RICO violation but also that 'he has been injured in his business or property by the conduct

constituting the violation,' and 'must also demonstrate that the substantive violation proximately caused his injury.' 'A plaintiff must allege specific facts concerning (1) the conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'

Summary

Clear explanation of the requirements for establishing subject matter jurisdiction in a civil RICO action. It emphasizes the need for an adequately stated RICO claim to establish federal question jurisdiction and outlines the elements that must be proven, including the conduct of an enterprise through a pattern of racketeering activity and the injury to business or property caused by the violation.

[Anchor Glass Container Corp. v. Stand Energy Corp., 711 F.Supp. 325 \(S.D. Miss. 1989\)](#)

U.S. District Court — Southern District of Mississippi

Extract

In addition to the venue provision of section 1391, a special venue statute for RICO actions is found at 18 U.S.C. § 1965(a), which states that a civil action against a person under RICO may be instituted in the district court of the United States for 'any district in which the person resides, is found, has an agent, or transacts his affairs.' ... This section was intended to enable a plaintiff to bring before a single court for trial all members of a nationwide RICO conspiracy. ... Thus, section 1965(b) effectively operates as a waiver of the applicable venue requirements if the 'ends of justice' so require.

Summary

The passage explains that for RICO actions, venue can be established in any district where the defendant resides, is found, has an agent, or transacts affairs. Additionally, section 1965(b) allows for nationwide service of process if the "ends of justice" require it, effectively waiving standard venue requirements to consolidate all defendants in a single court.

[Health v. Gabali](#)

U.S. District Court — Northern District of Texas

Extract

As explained in the Court's prior order, this Court finds with the majority of circuits and the Rolls-Royce court's interpretation of Caldwell v. Palmetto State Savings Bank of South Carolina, 811 F.2d 916 (5th Cir. 1987), that Section 1965(b) requires plaintiffs to establish personal jurisdiction over at

least one defendant under Section 1965(a) before the other RICO defendants can be subject to nationwide service of process under Section 1965(b). ... Section 1965(a) provides that RICO claims may be brought in any federal district 'in which [the defendant] resides, is found, has an agent, or transacts his affairs.' 18 U.S.C. § 1965(a).

Summary

The passage provides insight into the requirements for establishing personal jurisdiction in a RICO case in the Fifth Circuit. It explains that under Section 1965(a), a RICO claim can be brought in any federal district where the defendant resides, is found, has an agent, or transacts his affairs. Additionally, Section 1965(b) allows for nationwide service of process and personal jurisdiction over other RICO defendants if the "ends of justice" require it, but only after establishing personal jurisdiction over at least one defendant under Section 1965(a).

[Munck Wilson Mandala LLP v. Jordan, Civil Action 3:22-cv-01657-M \(N.D. Tex. Aug 22, 2023\)](#)

U.S. District Court — Northern District of Texas

Extract

Plaintiffs bring civil RICO claims against all Defendants based on predicate acts of mail and wire fraud. Mail and wire fraud claims require: (1) a scheme to defraud; (2) the use of mails or, if by wire, the interstate use of the wires to execute the scheme; (3) the use of mails or wires being incident to the essential execution of the scheme; and (4) actual injury to the plaintiff. United States v. Humphrey, 104 F.3d 65, 70 n.3 (5th Cir. 1997); Landry v. Air Line Pilots Ass'n, 901 F.2d 404, 428 (5th Cir. 1990). Rule 9(b) requires particularity in pleading the circumstances constituting fraud; this requirement applies to the pleading of fraud as a predicate act in a RICO claim.

Summary

The passage provides insight into the requirements for pleading predicate acts of mail and wire fraud in a civil RICO claim, which are essential for establishing subject matter jurisdiction in such cases. It highlights the necessity of demonstrating a scheme to defraud, the use of interstate communications, and actual injury, as well as the requirement for particularity in pleading fraud under Rule 9(b).

[CADG Erwin Farms LLC v. Ipour](#)

U.S. District Court — Northern District of Texas

Extract

RICO was drafted 'broadly enough to encompass a wide range of criminal activity, taking many different forms and likely to attract a broad array of perpetrators operating in many different ways.' See H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 248-49 (1989). However, the Fifth Circuit has observed that '[w]e must be wary of transforming business-contract or fraud disputes into federal RICO claims.' Similarly, 'litigation activity cannot be the predicate for a civil-RICO claim.'

Summary

The passage highlights the broad nature of RICO but also cautions against using it to transform ordinary business or fraud disputes into federal RICO claims. It specifically notes that litigation activity cannot serve as a predicate for a civil RICO claim. This implies that for a RICO claim to be valid, the predicate acts must be criminal in nature and not merely related to litigation or business disputes. This is crucial for establishing subject matter jurisdiction in a civil RICO action, as the claim must be based on valid predicate acts that affect interstate commerce.

[Archer Farms v. UMB Bank, 3:24-CV-328- SA-JMV, 3:24-CV-329- SA-JMV, 3:24-CV-330- SA-JMV \(N.D. Miss. Jun 03, 2025\)](#)

U.S. District Court — Northern District of Mississippi

Extract

'Federal courts are courts of limited jurisdiction, and absent jurisdiction conferred by statute, lack the power to adjudicate claims.' Trend Intermodal Chassis Leasing LLC v. Zariz Transp. Inc., 711 F.Supp.3d 627, 634 (N.D. Tex. 2024) (quoting Stockman v. Fed. Election Comm'n, 138 F.3d 144, 151 (5th Cir. 1998)). 'The Court 'must presume that a suit lies outside this limited jurisdiction[.]'" Id. (quoting Howery v. Allstate Ins. Co., 242 F.3d 912, 916 (5th Cir. 2001)). Accordingly, 'the basis upon which jurisdiction depends must be alleged affirmatively and distinctly and cannot be established argumentatively or by mere inference.'

Summary

Federal courts, including those in the Fifth Circuit, are courts of limited jurisdiction, meaning they can only hear cases authorized by the Constitution or federal statutes. The passage emphasizes that the basis for jurisdiction must be clearly and affirmatively alleged in the complaint. This means that in a civil RICO action, the plaintiff must explicitly state the statutory basis for federal jurisdiction, such as 18 U.S.C. § 1964(c) for RICO claims, and demonstrate how the case fits within that jurisdiction. The complaint must not rely on inferences or argumentative assertions to establish jurisdiction.

[Clapper v. Am. Realty Inv'rs, Civil Action No. 3:14-CV-2970-L \(N.D. Tex. Nov 07, 2019\)](#)

U.S. District Court — Northern District of Texas

Extract

In the Original Complaint, Plaintiffs alleged the following claims: fraudulent conveyance in violation of the Texas Uniform Fraudulent Transfer Act, Tex. Bus. & Com. Code Ann. § 24.001 et seq. (West 2018) ('TUFTA'); unjust enrichment/constructive trust; alter ego; civil conspiracy to commit fraudulent conveyances; and violation of the Racketeer Influenced and Corrupt Organizations Act ('RICO'), 18 U.S.C. § 1962. As the basis for federal subject matter jurisdiction, Plaintiffs invoked this court's diversity jurisdiction and also its federal question jurisdiction based on the assertion of their civil RICO claim. See Compl. ¶ 1 ('This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, (diversity jurisdiction) and based on a federal question being raised pursuant to RICO.').

Summary

In a civil RICO action, plaintiffs can establish federal subject matter jurisdiction by invoking either diversity jurisdiction under 28 U.S.C. § 1332 or federal question jurisdiction based on the RICO claim itself. This suggests that a complaint should clearly state the basis for jurisdiction, whether it is diversity or federal question, and provide supporting details to substantiate the claim.

[Clapper v. Am. Realty Inv'rs, Inc.](#)

Extract

In the Original Complaint, Plaintiffs alleged the following claims: fraudulent conveyance in violation of the Texas Uniform Fraudulent Transfer Act, Tex. Bus. & Com. Code Ann. § 24.001 et seq. (West 2015) ('TUFTA'); unjust enrichment/constructive trust; alter ego; civil conspiracy to commit fraudulent conveyances; and violation of the Racketeer Influenced and Corrupt Organizations Act ('RICO'), 18 U.S.C. § 1962. As the basis for federal subject matter jurisdiction, Plaintiffs invoked this court's diversity jurisdiction and also its federal question jurisdiction based on the assertion of their civil RICO claim. See Compl. ¶ 1 ('This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, (diversity jurisdiction) and based on a federal question being raised pursuant to RICO.').

Summary

The passage provides insight into how plaintiffs in a civil RICO action can establish subject matter jurisdiction in the Fifth Circuit. It highlights that

plaintiffs can invoke federal question jurisdiction by asserting a civil RICO claim under 18 U.S.C. § 1962. Additionally, plaintiffs can also invoke diversity jurisdiction under 28 U.S.C. § 1332 if the parties are citizens of different states and the amount in controversy exceeds the statutory threshold. The passage emphasizes the importance of clearly pleading the basis for federal subject matter jurisdiction in the complaint.

[Princess Cruise Lines, Ltd. v. Walltopia Adventure U.S., LLC](#)

Extract

The Federal Rules of Civil Procedure require that each claim in a complaint include a 'short and plain statement... showing that the pleader is entitled to relief.' FED. R. CIV. P. 8(a). Each claim must include enough factual allegations 'to raise a right to relief above the speculative level.' Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555. A Rule 12(b) motion allows a party to move for dismissal of an action when the complaint fails to state a claim upon which relief can be granted. FED. R. CIV. P. 12(b). When considering a motion to dismiss under Rule 12(b), the Court must accept as true all well-pleaded facts in the plaintiff's complaint and view those facts in the light most favorable to the plaintiff. Bowlby v. City of Aberdeen, 681 F.3d 215, 219 (5th Cir. 2012).

Summary

The passage provides insight into the pleading standards under the Federal Rules of Civil Procedure, which are applicable to civil RICO actions. It emphasizes the need for a complaint to include a "short and plain statement" showing entitlement to relief and to raise the right to relief above a speculative level. This is relevant to establishing subject matter jurisdiction and venue, as a well-pleaded complaint must demonstrate the court's jurisdiction and the appropriateness of the venue.

[57 F.Supp.3d 766 Gordon v. Neugebauer](#)

Extract

A motion to dismiss under Fed.R.Civ.P. 12(b)(1) for lack of subject matter jurisdiction is analyzed under the same standard as a motion to dismiss under Fed.R.Civ.P. 12(b)(6). See Benton v. United States, 960 F.2d 19, 21 (5th Cir.1992).

Summary

The passage provides insight into the standard for analyzing motions to dismiss for lack of subject matter jurisdiction in the Fifth Circuit, which is the same as the standard for a motion to dismiss for failure to state a claim.

This is relevant to understanding how subject matter jurisdiction should be pleaded and supported in a civil RICO action.

[Genius or Chaos: The 'Big Tech' Antitrust Cases as a Window Into the Complex Procedural Aspects Of U.S. Antitrust Law](#)

Antitrust Law Journal - American Bar Association - 2023-06-01

Extract

State and private plaintiffs can overcome the subject-matter jurisdiction procedural hurdle and have their state-law claims heard in federal court by structuring their complaint in compliance with 28 U.S.C. § 1337, commonly referred to as the supplemental jurisdiction statute. First, the complaint must include federal-law claims granting the adjudicating court original subject-matter jurisdiction. The complaint can include state-law claims if they are 'so related' to the federal-law claims that they are 'part of the same case or controversy.' Yet the court may choose not to exercise supplemental jurisdiction over any state-law claim that raises a 'novel or complex' state-law issue or 'substantially predominates over the claim or claims which the district court has original jurisdiction.'

Summary

The passage explains how state and private plaintiffs can establish subject matter jurisdiction in federal court by including federal-law claims that grant original jurisdiction. It also discusses the use of supplemental jurisdiction under 28 U.S.C. § 1337 to include state-law claims that are related to the federal claims. This is relevant to civil RICO actions, as RICO is a federal statute that can provide the basis for original jurisdiction, and related state-law claims can be included if they meet the criteria for supplemental jurisdiction.

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

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

Extract

The civil racketeering provisions of RICO involve three main sections of the statute: § 1961 provides the definitions, § 1962 describes the prohibited conduct, and § 1964 details the remedies. Federal subject matter jurisdiction is conferred by § 1964(c), which creates the civil RICO cause of action. Personal jurisdiction is conferred by § 1965, which authorizes nationwide service of process. Section 1965(a), the principal venue provision, permits a party to institute a civil RICO action in any district in which a defendant resides, is found, has an agent, or transacts their affairs. Nationwide jurisdiction hinges on whether at least one defendant has minimum contacts

with the forum state. If there is more than one defendant, § 1965(b) governs service over out-of-district defendants and requires that at least one defendant have minimum contacts with the forum state.

Summary

Clear explanation of the statutory framework for establishing subject matter jurisdiction and venue in civil RICO actions. It outlines the relevant sections of the RICO statute that confer jurisdiction and venue, specifically §§ 1964(c) and 1965. The passage also explains the requirements for personal jurisdiction and venue, including the need for at least one defendant to have minimum contacts with the forum state.

[Antitrust and International Commerce](#)

Antitrust Law Developments (Ninth Edition) - Volume II - American Bar Association - American Bar Association - 2022-02-02

Extract

2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought; and § 1391(c), under which a corporate defendant may be sued in any district in which it is subject to personal jurisdiction at the time the action is commenced, and if amenable to jurisdiction in a state with several districts, then venue is proper in the district with which the defendant has the most significant contacts.

Summary

The passage provides insight into the standards for determining venue in civil actions, including RICO cases. It specifies that venue is proper in a judicial district where a substantial part of the events or omissions giving rise to the claim occurred, where a substantial part of the property subject to the action is located, or where any defendant may be found if no other district is appropriate. Additionally, for corporate defendants, venue is proper in any district where the corporation is subject to personal jurisdiction at the time the action is commenced. This information is crucial for pleading and supporting venue in a RICO complaint, as it guides where the action can be filed based on the location of events, property, or defendants.

[RICO: A Primer](#)

Extract

Notably, there must be some nexus to interstate or foreign commerce-it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States.

Summary

For a civil RICO claim, there must be a connection to interstate or foreign commerce. This is a jurisdictional requirement, meaning that the predicate acts involved in the RICO claim should have an impact on or involve activities across state lines or internationally. This requirement is crucial for establishing subject matter jurisdiction in a civil RICO action.

[RICO: A Primer](#)

Extract

Notably, there must be some nexus to interstate or foreign commerce-it is a jurisdictional element of a civil RICO claim. Thus, predicate acts will often occur in several States.

Summary

The predicate acts often occur in multiple states, which supports the interstate commerce requirement.

This memo was compiled by Vincent AI based on vLex materials available as of September 20, 2025. [View full answer on vLex](#)