

Question

Evaluate the viability of the complaint filed by Charles Dustin Myers under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1962(c) and (d), including whether the allegations sufficiently establish the elements of a RICO claim and whether the court has proper jurisdiction and venue.

Answer (U.S. Federal)

Short response

To evaluate the viability of Charles Dustin Myers' RICO complaint under 18 U.S.C. §§ 1962(c) and (d), it is necessary to determine whether the allegations sufficiently establish the required elements of a RICO claim: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity, as well as whether the court has proper jurisdiction and venue. Without access to the specific allegations in Myers' complaint, I can only provide a comprehensive analysis of the legal framework and requirements that would govern the evaluation of such a complaint.

Summary

For Charles Dustin Myers' RICO complaint to be viable under 18 U.S.C. §§ 1962(c) and (d), the allegations must sufficiently establish all four essential elements of a RICO claim: conduct of an enterprise through a pattern of racketeering activity, along with demonstrating that the alleged conduct caused injury to his business or property. Additionally, the complaint must show that the court has proper jurisdiction and venue, which requires establishing that the enterprise affects interstate commerce and that the action is brought in a district where the defendant resides, is found, has an agent, or transacts affairs.

The viability of the complaint will depend on specific factual allegations that demonstrate the defendants participated in the operation or management of the enterprise, engaged in at least two related predicate acts within a ten-year period that show continuity, and that these acts constitute racketeering activities as defined under [18 U.S.C. § 1961](#). Furthermore, for the conspiracy claim under § 1962(d), Myers must adequately allege that each defendant knowingly agreed that a conspirator would commit a substantive RICO violation.

Background and Relevant Law

Legislative Framework

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) provides both criminal and civil remedies against racketeering activities conducted through an enterprise. The key statutory provisions relevant to Charles Dustin Myers' complaint are:

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

Section 1962(c), which forms the basis of Myers' first claim, states: "It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [18 U.S.C. § 1962\(c\)](#)

Section 1962(d), which forms the basis of Myers' second claim, makes it "unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section." [18 U.S.C. § 1962\(d\)](#)

[18 U.S.C. § 1961](#) - Definitions

This section defines key terms used in RICO, including "racketeering activity," which encompasses a wide range of state and federal offenses. Specifically, it includes "any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical... which is chargeable under State law and punishable by imprisonment for more than one year." [18 U.S.C. § 1961](#) It also includes numerous federal offenses such as mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and many others.

The statute further defines a "pattern of racketeering activity" as requiring "at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity." [18 U.S.C. § 1961](#)

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

This section provides the statutory basis for Myers' civil action: "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..." [18 U.S.C. § 1964\(c\)](#)

[18 U.S.C. § 1965](#) - Venue and Process

This section establishes the venues where RICO actions may be brought: "Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs." [18 U.S.C. § 1965\(a\)](#)

[28 U.S.C. § 1331](#) - Federal Question

This provision establishes federal jurisdiction for RICO claims: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." [28 U.S.C. § 1331](#)

Judicial Interpretation of RICO Elements

Courts have extensively interpreted the requirements for establishing a RICO claim. The following judicial decisions provide the framework for evaluating Myers' complaint:

Elements of a RICO Claim under § 1962(c)

Courts have consistently held that to establish a RICO claim under § 1962(c), a plaintiff must prove four essential elements: "(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity." [Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496 \(1985\)](#)

This four-element test has been widely adopted across federal circuits. As stated in [Torwest DBC, Inc. v. Dick, 810 F.2d 925 \(10th Cir. 1987\)](#): "A violation of section 1962(c) thus 'requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'"

More recent decisions have maintained this standard. In [Little v. City of Valley](#), the court noted: "In order to establish a federal civil RICO violation under § 1962(c), the Plaintiffs 'must satisfy four elements of proof: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" (quoting *Jones v. Childers*, 18 F.3d 899, 900 (11th Cir. 1994)).

Some courts have articulated a fifth element related to causation, as noted in [Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#): "In addition, the conduct must be (5) the proximate cause of harm to the victim."

The "Conduct" Element

The Supreme Court has interpreted the "conduct" element to require participation in the operation or management of the enterprise. In [Reves v. Ernst Young, 507 U.S. 170, 113 S.Ct. 1163, 122 L.Ed.2d 525 \(1993\)](#), the Court held: "In order to 'participate, directly or indirectly, in the conduct of such enterprise's affairs,' one must have some part in directing those affairs." The Court then established the "operation or management" test,

stating that "some degree of direction" of the enterprise's affairs is required for RICO liability.

The "Enterprise" Element

The Supreme Court has defined an "enterprise" broadly. In [Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#), the Court explained that "an enterprise includes any union or group of individuals associated in fact" and that RICO reaches "a group of persons associated together for a common purpose of engaging in a course of conduct." The Court further stated that such an enterprise "is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit."

The RICO statute itself defines "enterprise" to include "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." [18 U.S.C. § 1961\(4\)](#)

The "Pattern of Racketeering Activity" Element

Courts have established that a "pattern of racketeering activity" requires both "relationship" and "continuity" among the predicate acts. In [H.J. Inc. v. Northwestern Bell Telephone Company, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#), the Supreme Court held that "to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity."

The court in [Ripley v. Long Distance Relocation Servs., Civil No. CCB-19-0373 \(D. Md. Oct 25, 2019\)](#) further explained: "To show a 'pattern' of racketeering activity, the plaintiff must identify at least two related acts of racketeering activity, occurring within 10 years of each other, and must demonstrate 'continuity.'"

Racketeering Activity

The RICO statute defines "racketeering activity" to include numerous state and federal offenses. For predicate acts based on fraud, courts require heightened pleading standards. As noted in [Civil Rico: A Tool of Advocacy](#): "RICO claims based on mail or wire fraud must comport with Federal Rule of Civil Procedure 9(b)'s requirement that allegations involving fraud be pleaded with particularity."

RICO Conspiracy under § 1962(d)

For a conspiracy claim under § 1962(d), the plaintiff must show that defendants agreed to violate the substantive provisions of RICO. According to [RICO: A Primer](#), to prove a violation of Section 1962(d), a plaintiff must prove: "The existence of an enterprise (or that an enterprise would exist); That the enterprise was (or would be) engaged in, or its activities affected

(or would affect), interstate or foreign commerce; and That each defendant knowingly agreed that a conspirator would commit a violation of [18 U.S.C. § 1962\(c\)](#)."

Standing Requirements

To establish standing for a civil RICO claim, the plaintiff must demonstrate an injury to business or property caused by the RICO violation. As stated in [18 U.S.C. § 1964\(c\)](#): "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court..."

The courts have emphasized this requirement. In [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#), it is noted: "To establish standing in a civil RICO action, a plaintiff must prove the defendant's violation of § 1962 was the proximate cause of the plaintiff's injury."

Personal injuries are insufficient to establish RICO standing: "Civil RICO actions provide no damages for the economic consequences of personal injuries sustained as a result of a RICO predicate act. A plaintiff's business or property must be directly injured to qualify for relief." [RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#)

Jurisdiction and Venue

Federal district courts have original jurisdiction over RICO claims because they arise under federal law: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." [28 U.S.C. § 1331](#)

Regarding venue, [18 U.S.C. § 1965\(a\)](#) provides: "Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs."

Analysis

Required Elements of Myers' RICO Claims

For Charles Dustin Myers' RICO complaint to be viable, it must adequately allege all the required elements of RICO claims under both § 1962(c) and § 1962(d). Without specific details from the complaint, we can outline the standard that would apply to evaluate its sufficiency.

1. Conduct Element

Myers must allege that each defendant participated in the operation or management of the claimed enterprise. Under the "operation or management" test established in [Reves v. Ernst Young, 507 U.S. 170 \(1993\)](#), the defendants must have had "some part in directing [the enterprise's]

affairs." This does not require defendants to have primary responsibility for the enterprise, but they must have participated to some degree in the direction of the enterprise's affairs.

The allegations must demonstrate that the defendants were not merely associated with the enterprise but actively conducted or participated in conducting the enterprise's affairs through a pattern of racketeering activity. As noted in [Little v. City of Valley](#), § 1962(c) prohibits an individual from "participating in the conduct of the affairs of an enterprise engaged in interstate commerce, through a pattern of racketeering activity."

2. Enterprise Element

Myers must adequately allege the existence of an "enterprise" as defined under RICO. This enterprise can be a legal entity or an informally associated group of individuals. As clarified in [Boyle v. United States, 556 U.S. 938 \(2009\)](#), an enterprise can be "any union or group of individuals associated in fact" with "a common purpose of engaging in a course of conduct."

The enterprise must be distinct from the pattern of racketeering activity itself. Myers needs to show "evidence of an ongoing organization, formal or informal, and... evidence that the various associates function as a continuing unit." [Boyle v. United States, 556 U.S. 938 \(2009\)](#)

Additionally, the enterprise must "affect interstate or foreign commerce" as required by [18 U.S.C. § 1962\(c\)](#). However, as noted in [Civil Rico: A Tool of Advocacy](#): "RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement."

3. Pattern of Racketeering Activity

Myers must allege a "pattern of racketeering activity" by identifying at least two related predicate acts occurring within ten years of each other. As established in [H.J. Inc. v. Northwestern Bell Telephone Company, 492 U.S. 229 \(1989\)](#), the pattern must demonstrate both "relationship" and "continuity" among the predicate acts.

"Relationship" means the acts must have "the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events."
RECONCEIVING COERCION-BASED CRIMINAL DEFENSES

"Continuity" refers to "either a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition."
RECONCEIVING COERCION-BASED CRIMINAL DEFENSES

The importance of demonstrating ongoing criminal activity is emphasized in [Pemberton v. Walker, 22-cv-716-wmc \(W.D. Wis. Feb 27, 2024\)](#): "the Supreme Court has emphasized that RICO was enacted in response to 'long-term criminal conduct,' not isolated or sporadic unlawful activity."

4. Racketeering Activity

Myers must allege specific predicate acts that qualify as "racketeering activity" under [18 U.S.C. § 1961](#)(1), which includes numerous state and federal offenses. If the predicate acts involve fraud (such as mail or wire fraud), Myers must plead these allegations with particularity as required by Federal Rule of Civil Procedure 9(b).

As noted in [Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#): "The plaintiff must adequately plead the elements of each predicate act, satisfying the pleading standard that would apply if the predicate act were a stand-alone claim."

5. RICO Conspiracy Claim under § 1962(d)

For the conspiracy claim under § 1962(d), Myers must allege that each defendant knowingly agreed that someone would commit a substantive RICO violation. According to RICO: A Primer, this requires showing:

1. "The existence of an enterprise (or that an enterprise would exist);"
2. "That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce;" and
3. "That each defendant knowingly agreed that a conspirator would commit a violation of [18 U.S.C. § 1962](#)(c)."

It's important to note that a RICO conspiracy is distinct from a conspiracy to commit individual predicate acts. As explained in Crimes: "A conspiracy to commit predicate acts of racketeering is different in kind from a conspiracy to conduct the affairs of the enterprise through a pattern of racketeering activity."

6. Standing Requirements

Myers must demonstrate that he suffered an injury to his business or property caused by the alleged RICO violations. Personal injuries or emotional distress are insufficient for RICO standing. As noted in [Burnett v. Al Baraka Inv. And Development Corp., 274 F.Supp.2d 86 \(D. D.C. 2003\)](#): "The plaintiffs in this case have alleged personal injuries, and economic losses derived therefrom, but not any specific injuries to business or property that are separate from their personal injuries."

Myers must also establish proximate causation between the RICO violation and his injury. According to [DEFENDING RICO CLAIMS IN THE BUSINESS CONTEXT PART II: RICO CLAIMS MUST ALLEGE INJURY TO BUSINESS OR PROPERTY](#): "the plaintiff must allege that he suffered an injury to his business or property that bears some causal relationship to the alleged act or acts that violated RICO."

Jurisdiction and Venue Analysis

Subject Matter Jurisdiction

Federal district courts have subject matter jurisdiction over RICO claims under federal question jurisdiction. As provided in [28 U.S.C. § 1331](#): "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Since RICO is a federal statute, any civil action brought under RICO would fall under federal jurisdiction.

Venue

For venue to be proper, Myers' complaint must establish that the action was filed in a district where at least one defendant "resides, is found, has an agent, or transacts his affairs" as required by [18 U.S.C. § 1965\(a\)](#).

Additionally, [18 U.S.C. § 1965\(b\)](#) provides that if the "ends of justice require," other parties residing in other districts can be brought before the court where the action was initially filed.

Potential Challenges to Myers' RICO Complaint

Without the details of Myers' specific allegations, we can identify several common challenges that RICO complaints frequently face:

1. Failure to Adequately Allege an Enterprise

Myers must clearly identify an enterprise that is distinct from the pattern of racketeering activity itself. As the Supreme Court established, an "enterprise" must have some structure and continuity beyond the predicate acts.

2. Inadequate Pleading of Predicate Acts

If Myers' complaint relies on fraud-based predicate acts, these must be pleaded with particularity under Rule 9(b). Failure to specify the time, place, and content of the alleged fraudulent conduct could be grounds for dismissal.

3. Failure to Establish a Pattern of Racketeering Activity

Myers must allege at least two related predicate acts within a ten-year period that demonstrate both "relationship" and "continuity." If the alleged acts are isolated or sporadic, they may not satisfy the pattern requirement.

4. Lack of Standing

If Myers fails to allege a concrete injury to his business or property that was proximately caused by the RICO violation, his standing could be challenged. Personal injuries or emotional distress are insufficient.

5. Prior Criminal Conviction Requirement

It is worth noting that there was previously a split in the circuits regarding whether prior criminal convictions were required for RICO civil actions. In [Bernstein v. Bank Leumi Le-Israel BM, 598 F. Supp. 922 \(E.D. Pa. 1984\)](#), the court held that "in order to bring a civil RICO action, plaintiffs must establish that defendants have been convicted of the underlying predicate offenses."

However, this view was later rejected by the Supreme Court in [Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479 \(1985\)](#), which held that prior criminal convictions are not required for civil RICO actions. Thus, Myers is not required to show prior criminal convictions for the alleged predicate acts.

Conclusion

The viability of Charles Dustin Myers' RICO complaint under 18 U.S.C. §§ 1962(c) and (d) depends on whether his allegations sufficiently establish all required elements of a RICO claim and whether the court has proper jurisdiction and venue.

To survive judicial scrutiny, the complaint must adequately allege:

1. That each defendant conducted or participated in the conduct of
2. An enterprise that affects interstate commerce
3. Through a pattern (demonstrating relationship and continuity)
4. Of racketeering activity (qualifying predicate acts under [18 U.S.C. § 1961](#))

For the conspiracy claim under § 1962(d), Myers must adequately allege that each defendant knowingly agreed that someone would commit a substantive RICO violation.

Additionally, Myers must demonstrate standing by showing an injury to his business or property that was proximately caused by the RICO violation. Personal injuries or emotional distress alone would be insufficient.

Federal jurisdiction is established under [28 U.S.C. § 1331](#), and venue is proper in any district where at least one defendant "resides, is found, has an agent, or transacts his affairs" under [18 U.S.C. § 1965\(a\)](#).

Without the specific allegations contained in Myers' complaint, it is impossible to determine with certainty whether the complaint satisfies these requirements. However, the legal framework outlined above provides the standard against which the complaint should be evaluated.

Legal Authorities

[Gutierrez v. Givens, 1 F.Supp.2d 1077 \(S.D. Cal. 1998\)](#)

U.S. District Court — Southern District of California

Extract

To state a cause of action under RICO, Plaintiffs must establish (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity (5) causing injury to the Plaintiffs' business or property by the conduct constituting the violation. See *Sedima v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985).

Summary

Essential elements required to establish a RICO claim: conduct, enterprise, pattern of racketeering activity, and injury to business or property. This framework is crucial for evaluating the viability of any RICO complaint, including the one filed by Charles Dustin Myers. The passage does not address jurisdiction or venue directly but focuses on the substantive elements of a RICO claim.

[Dooley v. United Technologies Corp., 786 F.Supp. 65 \(D. D.C. 1992\)](#)

U.S. District Court — District of Columbia

Extract

The Court finds two alternative bases on which to exercise personal jurisdiction over the defendants in this case. First, the Court finds that RICO provides for nationwide service of process under section 1965(d). Alternatively, the Court finds that it has personal jurisdiction over each defendant under the 'transacting business clause' of the District of Columbia long-arm statute. Because the Court finds that it may exercise personal jurisdiction over all the defendants under either RICO section 1965(d) or section 13-423(a)(1) of the District of Columbia long-arm statute, it does not reach the question of whether any of the other grounds asserted by the plaintiff also support this Court's exercise of personal jurisdiction in this case.

Summary

The court in "Dooley v. United Technologies Corp." found that RICO provides for nationwide service of process under section 1965(d), which can establish personal jurisdiction over defendants in RICO cases. Additionally, the court found that personal jurisdiction could also be established under the "transacting business clause" of the District of Columbia long-arm statute. This suggests that in RICO cases, courts may have broad jurisdictional

reach, which is relevant to determining whether the court has proper jurisdiction in Charles Dustin Myers' RICO complaint.

[Rodriguez v. Pan Am. Health Org., 612 F.Supp.3d 1372 \(S.D. Fla. 2020\)](#)

U.S. District Court — Southern District of Florida

Extract

Plaintiffs' final argument is that RICO's venue provision supersedes Section 1391(f). See 18 U.S.C. § 1965 (defining venue for civil actions under RICO). Plaintiffs reason that RICO's alternative venue provision applies here because Section 1391's introductory provision states that the Section 'shall' control venue in all actions 'except as otherwise provided by law.' § 1391(a). Plaintiffs argue Section 1391(a) therefore encompasses RICO's alternative venue provision, which supersedes any exclusivity implied by the FSIA and Section 1391(f). ... Therefore, the Court finds that Plaintiffs cannot use RICO's venue provision to establish venue in the Southern District of Florida.

Summary

The court in Rodriguez v. Pan Am. Health Org. addressed the issue of whether RICO's venue provision could supersede other statutory venue provisions, specifically those under the FSIA. The court concluded that RICO's venue provision does not supersede the FSIA's venue restrictions, indicating that RICO's venue provision cannot be used to establish venue in a district where it is otherwise improper under the FSIA. This suggests that in evaluating the viability of a RICO complaint, it is crucial to consider whether the venue is proper under applicable statutory provisions, and not solely rely on RICO's venue provision.

[Magic Toyota v. Southeast Toyota Distributors, 784 F.Supp. 306 \(D. S.C. 1992\)](#)

U.S. District Court — District of South Carolina

Extract

Plaintiffs assert that venue is proper as to these three defendants pursuant to 18 U.S.C. § 1965(a) and (b) and 28 U.S.C. § 1391(b)(2). The Court will first analyze whether venue properly lies in this district pursuant to 28 U.S.C. § 1391, the general venue statute... Failing to find proper venue here pursuant to § 1391, the Court next turns to § 1965(a) and (b) of RICO to determine whether they provide an alternative source of venue in this District. The venue provisions of RICO are supplemental to those found in § 1391.

Summary

If venue is not proper under the general statute, the court will look to the RICO-specific provisions as a supplemental source for establishing venue.

[Republic of Panama v. BCCI Holdings \(Luxembourg\) S.A., 119 F.3d 935 \(11th Cir. 1997\)](#)

U.S. Court of Appeals — Eleventh Circuit

Extract

The First American defendants nevertheless contend that we need not decide whether the Fifth Amendment Due Process Clause limits the reach of RICO's nationwide service of process provision because, having failed to state a claim under RICO, Panama should not be allowed to utilize that statute's nationwide service of process provision to establish jurisdiction over them. ... We adopt the same approach and conclude that insofar as an asserted federal claim is not wholly immaterial or insubstantial, a plaintiff is entitled to take advantage of the federal statute's nationwide service of process provision. ... Similarly, Panama does not allege, or provide us with sufficient facts to infer, the agreement between BCCI and the First American defendants necessary to support their RICO conspiracy claim under § 1962(d) of the RICO statute. Section 1962(d) makes it unlawful to conspire to violate any of the substantive provisions of RICO, including § 1962(c). A plaintiff can establish a RICO conspiracy claim in one of two ways: (1) by showing that the defendant agreed to the overall objective of the conspiracy; or (2) by showing that the defendant agreed to commit two predicate acts.

Summary

Requirements for establishing jurisdiction under RICO's nationwide service of process provision and the elements necessary to state a RICO conspiracy claim under § 1962(d). It highlights that a plaintiff must allege a non-immaterial or substantial federal claim to utilize the nationwide service of process provision. Additionally, for a RICO conspiracy claim, the plaintiff must show either an agreement to the overall objective of the conspiracy or an agreement to commit two predicate acts. These insights are relevant to evaluating the viability of a RICO complaint, as they provide guidance on jurisdictional and substantive requirements.

[Burnett v. Al Baraka Inv. And Development Corp., 274 F.Supp.2d 86 \(D. D.C. 2003\)](#)

U.S. District Court — District of Columbia

Extract

A civil cause of action will lie under RICO for '[a]ny person injured in his business or property by reason of a violation of section 1962' 18 U.S.C. § 1964(c). This language has been construed as conferring standing, without which a plaintiff may not maintain a RICO claim. *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985). The plaintiffs in this case have alleged personal injuries, and economic losses derived therefrom, but not any specific injuries to business or property that are separate from their personal injuries.

Summary

The plaintiffs in the Burnett case failed to establish such an injury, leading to the dismissal of their RICO claims.

[United States v. Iossifov, 45 F.4th 899 \(6th Cir. 2022\)](#)

U.S. Court of Appeals — Sixth Circuit

Extract

Because the preponderance of the evidence shows that 'an act in furtherance of the attempt or conspiracy took place' in the Eastern District of Kentucky, the district court's venue determination was proper. 18 U.S.C. § 1956(i)(2) ; see also *Whitfield*, 543 U.S. at 218, 125 S.Ct. 687.

Summary

For a RICO claim, the venue is proper if an act in furtherance of the conspiracy took place in the district where the case is being tried. This is relevant to determining whether the court has proper jurisdiction and venue for Charles Dustin Myers' RICO complaint.

[D'Addario v. Geller, 264 F.Supp.2d 367 \(E.D. Va. 2003\)](#)

U.S. District Court — Eastern District of Virginia

Extract

Title 18 U.S.C. § 1962(c) provides that 'it shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' According to 18 U.S.C. § 1961, racketeering must involve the commission of two or more predicate acts, including mail fraud and obstruction of justice. A plaintiff must plead all elements of the alleged violation of section 1962 in order to

state a civil claim under section 1964(c). *Sedima, S.P.R.L. v. Imrex, Co.*, 473 U.S. 479, 496, 105 S.Ct. 3275, 87 L.Ed.2d 346 (1985).

Summary

To establish a RICO claim under 18 U.S.C. § 1962(c), a plaintiff must demonstrate that the defendant was involved in an enterprise affecting interstate or foreign commerce and engaged in a pattern of racketeering activity, which includes committing two or more predicate acts such as mail fraud or obstruction of justice. The plaintiff must plead all elements of the alleged violation to state a civil claim under section 1964(c). This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

[Ayasli v. Korkmaz, 2020 DNH 131, Civil No. 19-cv-183 -JL \(D. N.H. Jul 27, 2020\)](#)

U.S. District Court — District of New Hampshire

Extract

Several motions to dismiss the plaintiff's claims against defendants in this civil action brought under the Racketeer Influenced and Corrupt Organizations Act (RICO) turn on whether this court may exercise personal jurisdiction over non-resident defendants under (i) New Hampshire's long-arm statute, N.H. Rev. Stat. Ann. § 510:4, (ii) RICO, 18 U.S.C. § 1965, or (iii) Federal Rule of Civil Procedure 4(k)(2), often referred to as the 'federal, long-arm' rule. And whether the court dismisses the action entirely or transfers it to one or more other jurisdictions depends on whether the plaintiff has carried his burden of demonstrating that the case could have been brought in those jurisdictions.

Summary

Jurisdictional challenges in a RICO case, specifically the need for establishing personal jurisdiction over non-resident defendants. It highlights the importance of demonstrating minimum contacts with the forum state or using federal rules to establish jurisdiction. This is relevant to evaluating the viability of a RICO complaint, as jurisdiction is a critical component.

[City of New York v. Cyco.Net, Inc., 383 F.Supp.2d 526 \(S.D. N.Y. 2005\)](#)

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

Extract

Although primarily a criminal statute, Congress explicitly created a private right of action under the Racketeer Influenced and Corrupt Organizations

Act (RICO), 18 U.S.C. § 1964-1968. 'Any person injured in his business or property by reason of a violation of section 1962' may invoke the civil RICO remedies. 18 U.S.C. § 1964(c). If the plaintiff proves its injury resulted from a violation of § 1962, the plaintiff is entitled to 'recover threefold the damages he sustain[ed] and the cost of the suit, including a reasonable attorney's fee.' 18 U.S.C. § 1964(c).

Summary

General explanation of the civil RICO statute, specifically 18 U.S.C. § 1964(c), which allows any person injured in their business or property by a violation of section 1962 to seek civil remedies. This includes the potential to recover treble damages and attorney's fees. This information is crucial for evaluating the viability of a RICO complaint, as it outlines the legal basis for a private party to bring a RICO claim and the potential outcomes if the claim is successful.

[Boyle v. United States, 129 S.Ct. 2237, 173 L.Ed.2d 1265, 556 U.S. 938, 77 USLW 4474 \(2009\)](#)

U.S. Supreme Court

Extract

RICO makes it “unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.” 18 U.S.C. § 1962(c) (emphasis added). ... In light of these statutory features, we explained in *Turkette* that “an enterprise includes any union or group of individuals associated in fact” and that RICO reaches “a group of persons associated together for a common purpose of engaging in a course of conduct.” 452 U.S., at 580, 583, 101 S.Ct. 2524. Such an enterprise, we said, “is proved by evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit.” *Id.*, at 583, 101 S.Ct. 2524.

Summary

The U.S. Supreme Court in *Boyle v. United States* clarified the definition of an "enterprise" under RICO. The Court emphasized that an enterprise can be any group of individuals associated in fact, with or without a formal structure, as long as they function as a continuing unit with a common purpose. This interpretation is crucial for evaluating whether the allegations in Charles Dustin Myers' complaint sufficiently establish the elements of a RICO claim, particularly the existence of an enterprise. The passage also highlights that the enterprise must affect interstate or foreign commerce, which is relevant for determining jurisdiction.

[Reves v. Ernst Young, 507 U.S. 170, 113 S.Ct. 1163, 122 L.Ed.2d 525 \(1993\)](#)

U.S. Supreme Court

Extract

A provision of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962(c), makes it unlawful 'for any person employed by or associated with [an interstate] enterprise... to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity....' ... The question presented is whether one must participate in the operation or management of the enterprise itself to be subject to liability under this provision. ... Once we understand the word 'conduct' to require some degree of direction and the word 'participate' to require some part in that direction, the meaning of § 1962(c) comes into focus. In order to 'participate, directly or indirectly, in the conduct of such enterprise's affairs,' one must have some part in directing those affairs. ... The 'operation or management' test expresses this requirement in a formulation that is easy to apply.

Summary

Liability under this provision is not limited to those with primary responsibility or formal positions within the enterprise, but some degree of direction or participation in the management of the enterprise's affairs is required. This interpretation is crucial for evaluating whether the allegations in Charles Dustin Myers' complaint sufficiently establish the elements of a RICO claim.

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

U.S. Supreme Court

Extract

RICO's legislative history, however, establishes that Congress intended that to prove a 'pattern of racketeering activity' a plaintiff or prosecutor must show both 'relationship' and 'continuity'—that the racketeering predicates are related, and that they either constitute or threaten long-term criminal activity... Neither RICO's language nor its legislative history supports a rule that a defendant's racketeering activities form a pattern only if they are characteristic of organized crime... RICO renders criminally and civilly liable 'any person' who uses or invests income derived 'from a pattern of racketeering activity' to acquire an interest in or to operate an enterprise engaged in interstate commerce, § 1962(a); who acquires or maintains an interest in or control of such an enterprise 'through a pattern of racketeering activity,' § 1962(b); who, being employed by or associated with such an enterprise, conducts or participates in the conduct of its affairs

'through a pattern of racketeering activity,' § 1962(c); or, finally, who conspires to violate the first three subsections of § 1962, § 1962(d).

Summary

To establish a RICO claim, a plaintiff must demonstrate a "pattern of racketeering activity," which requires showing both "relationship" and "continuity" of the criminal acts. It also emphasizes that RICO applies broadly and is not limited to organized crime, meaning that individuals or legitimate businesses can be liable under RICO if they engage in a pattern of racketeering activity. This interpretation is crucial for evaluating the viability of a RICO complaint, as it outlines the necessary elements that must be alleged and proven.

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

U.S. Supreme Court

Extract

The Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968, which is directed at 'racketeering activity'—defined in § 1961(1) to encompass, inter alia, acts 'indictable' under specific federal criminal provisions, including mail and wire fraud—provides in § 1964(c) for a private civil action to recover treble damages by any person injured in his business or property 'by reason of a violation of section 1962.' Section 1962(c) prohibits conducting or participating in the conduct of an enterprise 'through a pattern of racketeering activity.'

Summary

The passage provides insight into the requirements for a RICO claim under 18 U.S.C. §§ 1962(c) and (d). It explains that RICO targets "racketeering activity," which includes acts indictable under federal criminal provisions such as mail and wire fraud. Section 1964(c) allows for a private civil action to recover treble damages for injuries caused by a violation of section 1962. Section 1962(c) specifically prohibits conducting or participating in an enterprise through a pattern of racketeering activity. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim, as it outlines the necessary components of such a claim.

[Bernstein v. Bank Leumi Le-Israel BM, 598 F. Supp. 922 \(E.D. Pa. 1984\)](#)

U.S. District Court — Eastern District of Pennsylvania

Extract

Defendants argue that the RICO count must be dismissed since plaintiffs have failed to allege that defendants have been convicted of any of the predicate acts listed in the RICO statute. See 18 U.S.C. § 1961(1). The court finds this argument persuasive and shall dismiss the complaint on that basis... Although the Third Circuit Court of Appeals has not addressed the question of whether a prior criminal conviction is a prerequisite to a civil RICO action, other courts have answered the question in the affirmative. In *Sedima, S.P.R.L. v. Imrex Co., Inc.*, 741 F.2d 482, 496 (2d Cir.1984), the second circuit held that in order to bring a civil RICO action, plaintiffs must establish that defendants have been convicted of the underlying predicate offenses... This court agrees with and adopts the *Sedima* and *Viola* opinions to the extent they require criminal convictions of the underlying predicate offenses prior to commencement of a civil RICO action.

Summary

The court in *Bernstein v. Bank Leumi Le-Israel BM* dismissed a RICO claim because the plaintiffs failed to allege that the defendants had been convicted of the predicate acts. The court followed the reasoning in *Sedima*, which requires a prior criminal conviction for the underlying predicate offenses in a civil RICO action. This suggests that for a civil RICO claim to be viable, there must be allegations of prior criminal convictions for the predicate acts.

[Little v. City of Valley](#)

U.S. District Court — Middle District of Alabama

Extract

Plaintiffs bring their RICO claim solely under 18 U.S.C. § 1962(c). Under § 1962(c), it is illegal “for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity[.]” 18 U.S.C. § 1962(c). In other words, § 1962(c) prohibits an individual from “participating in the conduct of the affairs of an enterprise engaged in interstate commerce, through a pattern of racketeering activity.” *Almanza v. United Airlines, Inc.*, 851 F.3d 1060, 1066 (11th Cir. 2017).

Summary

Requirements for establishing a RICO claim under 18 U.S.C. § 1962(c), which includes proving the conduct of an enterprise through a pattern of racketeering activity. This is relevant to evaluating the viability of Charles Dustin Myers' complaint under RICO, as it provides the legal framework necessary to assess whether the allegations meet the statutory requirements.

[Torwest DBC, Inc. v. Dick, 810 F.2d 925 \(10th Cir. 1987\)](#)

U.S. Court of Appeals — Tenth Circuit

Extract

A violation of section 1962(c) thus 'requires (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 105 S.Ct. 3275, 3285, 87 L.Ed.2d 346 (1985). RICO defines racketeering activity as, inter alia, any act that is indictable under 18 U.S.C. Sec. 1341 (mail fraud) or 18 U.S.C. Sec. 1343 (wire fraud). See 18 U.S.C. Sec. 1961(1)(B). RICO also states that a 'pattern of racketeering activity' requires at least two acts of racketeering activity.

Summary

To establish a RICO claim under 18 U.S.C. § 1962(c), a plaintiff must demonstrate four elements: conduct, of an enterprise, through a pattern, of racketeering activity. The passage also clarifies that racketeering activity includes acts indictable under specific sections such as mail and wire fraud, and that a pattern requires at least two acts of such activity. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes a RICO claim.

[Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#)

U.S. District Court — District of Arizona

Extract

RICO makes it unlawful for 'any person employed by or associated with any enterprise engaged in...interstate or foreign commerce, to conduct or participate...in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. § 1962(c). 'Racketeering activity' includes any of several listed crimes 'which is chargeable under State law and punishable by imprisonment for more than one year,' as well as any act chargeable under one of several enumerated federal statutes. § 1961(1). A 'pattern of racketeering activity' requires at least two acts of racketeering activity, which must be 'related' and 'amount to or pose a threat of continued criminal activity.' ... To state a RICO civil claim, a plaintiff must allege '(1) the conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Eclectic Props. E., LLC v. Marcus & Millichap Co.*, 751 F.3d 990, 997 (9th Cir.2014) (citation omitted). 'In addition, the conduct must be (5) the proximate cause of harm to the victim.' *Id.* (citation omitted). Pleading a pattern of racketeering activity requires the plaintiff to allege that the defendant participated in at least two acts that were chargeable under the enumerated federal statutes. The plaintiff must adequately plead the

elements of each predicate act, satisfying the pleading standard that would apply if the predicate act were a stand-alone claim.

Summary

Essential elements required to establish a RICO claim under 18 U.S.C. § 1962(c). It specifies that a plaintiff must allege conduct of an enterprise through a pattern of racketeering activity, which includes at least two acts of racketeering that are related and pose a threat of continued criminal activity. Additionally, the conduct must be the proximate cause of harm to the victim. The passage also emphasizes the need for specificity in pleading the elements of each predicate act, which must meet the standard required if the predicate act were a stand-alone claim. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

[Sheftelman v. Jones, 605 F.Supp. 549 \(N.D. Ga. 1984\)](#)

U.S. District Court — Northern District of Georgia

Extract

Plaintiff must allege the existence of seven elements to satisfy the pleading burden under the substantive RICO statute: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce. ... The court finds that the plaintiff's RICO count in the Amended Complaint contains two glaring and fatal defects: a failure to allege a violation of section 1962 and a failure to allege an injury by reason of a violation of section 1962.

Summary

Essential elements required to establish a RICO claim under 18 U.S.C. § 1962, which are generally applicable to any RICO case. It highlights the necessity of alleging a violation of section 1962 and an injury resulting from such a violation. The court in "Sheftelman v. Jones" dismissed the RICO claim due to the plaintiff's failure to allege these critical elements, emphasizing their importance in establishing a viable RICO claim.

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

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

Extract

The threshold pleading requirements of a private action under RICO, Section 1962, were set forth by the Second Circuit in *Moss v. Morgan Stanley, Inc.*, 719 F.2d 5, 17 (2d Cir.1983), cert. denied sub nom. *Moss v. Newman*, 465 U.S. 1025, 104 S.Ct. 1280, 79 L.Ed.2d 684 (1984), as follows: To state a claim for damages under RICO a plaintiff has two pleading burdens. First, he must allege that the defendant has violated the substantive RICO statute, 18 U.S.C. § 1962 (1976), commonly known as 'criminal RICO.' In so doing, he must allege the existence of seven constituent elements: (1) that the defendant (2) through the commission of two or more acts (3) constituting a 'pattern' (4) of 'racketeering activity' (5) directly or indirectly invests in, or maintains an interest in, or participates in (6) an 'enterprise' (7) the activities of which affect interstate or foreign commerce.... Plaintiff must allege adequately defendant's violation of section 1962 before turning to the second burden — i.e., invoking RICO's civil remedies of treble damages, attorneys fees and costs....

Summary

Essential elements required to establish a RICO claim under 18 U.S.C. § 1962. These elements include the commission of two or more acts constituting a pattern of racketeering activity, involvement in an enterprise, and an effect on interstate or foreign commerce. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes a RICO claim. The passage also highlights the need for the plaintiff to adequately allege these elements before seeking civil remedies under RICO.

[Ripley v. Long Distance Relocation Servs., Civil No. CCB-19-0373 \(D. Md. Oct 25, 2019\)](#)

U.S. District Court — District of Maryland

Extract

Under § 1962(c), it is 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.' To show a 'pattern' of racketeering activity, the plaintiff must identify at least two related acts of racketeering activity, occurring within 10 years of each other, and must demonstrate 'continuity.' *U.S. Airlines Pilots Ass'n v. Awappa, LLC*, 615 F.3d 312, 318 (4th Cir. 2010) (citing 18 U.S.C. § 1961(5) and *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 242 (1989)).

Summary

Clear explanation of the requirements under 18 U.S.C. § 1962(c) for establishing a RICO claim. It specifies that a plaintiff must demonstrate a "pattern" of racketeering activity, which involves identifying at least two related acts of racketeering activity within a 10-year period and demonstrating continuity. This is essential for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

[Little v. City of Valley](#)

U.S. District Court — Middle District of Alabama

Extract

Plaintiffs bring their RICO claim solely under 18 U.S.C. § 1962(c). Under § 1962(c), it is illegal “for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise’s affairs through a pattern of racketeering activity[.]” 18 U.S.C. § 1962(c). In other words, § 1962(c) prohibits an individual from “participating in the conduct of the affairs of an enterprise engaged in interstate commerce, through a pattern of racketeering activity.” *Almanza v. United Airlines, Inc.*, 851 F.3d 1060, 1066 (11th Cir. 2017). Thus, in order to establish a federal civil RICO violation under § 1962(c), the Plaintiffs “must satisfy four elements of proof: ‘(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.’” *Jones v. Childers*, 18 F.3d 899, 900 (11th Cir. 1994) (quoting *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985)). A RICO enterprise “includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.” 18 U.S.C. § 1961(4). Under RICO, “racketeering activity” includes such predicate acts as extortion under state law and the Hobbs Act. See 18 U.S.C. § 1961(1). “A pattern is established by at least two acts of racketeering activity the last which occurred within ten years. .. after the commission of a prior act of racketeering activity.” *Lehman v. Lucom*, 727 F.3d 1326, 1330 (11th Cir. 2013) (alteration in original) (quoting *McCaleb v. A.O. Smith Corp.*, 200 F.3d 747, 750 (11th Cir. 2000)).

Summary

Clear explanation of the elements required to establish a RICO claim under 18 U.S.C. § 1962(c). It specifies that a plaintiff must demonstrate conduct of an enterprise through a pattern of racketeering activity, and it defines what constitutes a RICO enterprise and racketeering activity. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

[Pemberton v. Walker, 22-cv-716-wmc \(W.D. Wis. Feb 27, 2024\)](#)

U.S. District Court — Western District of Wisconsin

Extract

Finally, plaintiffs claim that the requirement they pay for their own drug testing in cash before pretrial release amounted to extortion and racketeering under the RICO statute, which makes it 'unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt,' 18 U.S.C. § 1962(c), 'to conspire' with others to do so. 18 U.S.C. § 1962(d). However, the Supreme Court has emphasized that RICO was enacted in response to 'long-term criminal conduct,' not isolated or sporadic unlawful activity. ... Specifically, to allege a civil RICO claim, plaintiffs must now show: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *Sabrina Roppo v. Travelers Commercial Ins. Co.*, 869 F.3d 568, 588 (7th Cir. 2017) (quoting *Vicom, Inc. v. Harbridge Merchant Services, Inc.*, 20 F.3d 771, 778 (7th Cir. 1994)).

Summary

Four elements necessary to allege a civil RICO claim: conduct, of an enterprise, through a pattern, of racketeering activity. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes a RICO claim.

[Tashjian v. Deutsche Bank, CIVIL ACTION NO. 19-cv-40074-DHH \(D. Mass. Feb 23, 2021\)](#)

U.S. District Court — District of Massachusetts

Extract

Here, the plaintiff's complaint does not set forth a plausible claim for relief under the federal RICO statute. To plead a civil RICO action, a plaintiff must plead specific, non-conclusory, facts which, if accepted as true, show the existence of four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' *DeMauro v. DeMauro*, 215 F.3d 1311, No. 99-1589, 2000 WL 231255, at *2 (1st Cir. 2000). For purposes of RICO liability, 'an enterprise may be a legal entity. .. or it may be an informal grouping of individuals associated in fact.' *United States v. Turkette*, 452 U.S. 576, 580-581 (1981).

Summary

Essential elements required to establish a RICO claim: conduct, enterprise, pattern, and racketeering activity. It also clarifies that an enterprise can be a legal entity or an informal association of individuals. This information is crucial for evaluating whether Charles Dustin Myers' complaint under RICO sufficiently establishes these elements.

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

Extract

It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt. It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

Summary

The RICO Act makes it unlawful for individuals associated with an enterprise affecting interstate or foreign commerce to engage in or conspire to engage in racketeering activities. This is directly relevant to evaluating whether Charles Dustin Myers' complaint under RICO sufficiently establishes the elements of a RICO claim, as it outlines the prohibited activities under the Act.

[28 U.S.C. § 1391 28 U.S.C. § 1391 Venue Generally](#)

Extract

A civil action may be brought in- a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; 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 if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Summary

28 U.S.C. § 1391 provides the general rules for determining the proper venue for civil actions in U.S. district courts. It specifies that a civil action may be brought in a judicial district where any defendant resides, where a substantial part of the events or omissions giving rise to the claim occurred,

or where any defendant is subject to the court's personal jurisdiction if no other district is appropriate. This is relevant to determining whether the court has proper jurisdiction and venue for the RICO claim filed by Charles Dustin Myers.

[28 U.S.C. § 1331 28 U.S.C. § 1331 Federal Question](#)

Extract

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

Summary

28 U.S.C. § 1331 provides federal district courts with original jurisdiction over civil actions that arise under federal laws. Since RICO is a federal statute, any civil action brought under RICO would fall under this jurisdiction. Therefore, the federal district court would have jurisdiction over Charles Dustin Myers' RICO complaint, assuming it properly alleges a violation of the RICO statute.

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

Extract

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.

Summary

The U.S. district courts have jurisdiction over civil RICO claims, and individuals injured in their business or property due to a violation of section 1962 can file a lawsuit. The passage also specifies that damages can be trebled, and attorney's fees can be recovered. However, it excludes claims based on securities fraud unless there is a criminal conviction related to the fraud. This information is crucial for evaluating the viability of Charles Dustin Myers' complaint under RICO, as it outlines the jurisdictional basis and potential remedies available.

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

Extract

As used in this chapter- 'racketeering activity' means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit transactions), section 932 (relating to straw purchasing), section 933 (relating to trafficking in firearms), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery, and trafficking in persons).

Summary

Comprehensive list of activities that qualify as racketeering under the RICO statute. For a complaint to be viable under RICO, it must allege that the defendant engaged in a "pattern of racketeering activity," which requires at least two acts of racketeering activity as defined in this section. The passage also outlines the types of crimes that can be considered racketeering activities, which are essential for determining whether the allegations in the complaint meet the statutory requirements.

[18 U.S.C. § 1965 18 U.S.C. § 1965 Venue and Process](#)

Extract

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

(b) In any action under section 1964 of this chapter 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 by the marshal thereof.

Summary

The passage provides guidance on the venue for civil actions under the RICO Act. It states that such actions can be instituted in any district where the defendant resides, is found, has an agent, or transacts affairs. Additionally, it allows for the summoning of parties from other districts if the ends of justice require it. This is relevant to determining whether the court has proper jurisdiction and venue for Charles Dustin Myers' complaint under RICO.

[Racketeer Influenced and Corrupt Organizations Act.](#)

American Criminal Law Review - Georgetown University Law Center - Bailey, Lisa Pritchard - 1999-06-22

Extract

Section 1962 prohibits 'any person' from: (a) using income received from a pattern of racketeering activity or from the collection of an unlawful debt to acquire an..."; "Courts agree that to establish standing under [sections] 1962(c), a plaintiff must have suffered a harm caused..."; "Where the underlying violation is an alleged [sections] 1962(d) 'RICO conspiracy claim,' the circuits disagree as to which requirements must be met to establish standing for a civil suit.

Summary

The passages provide an overview of the requirements for establishing a RICO claim under sections 1962(c) and (d). Section 1962(c) requires that a plaintiff must have suffered harm caused by the alleged racketeering activity. For section 1962(d), which involves RICO conspiracy claims, there is a disagreement among circuits regarding the requirements for establishing standing. This information is crucial for evaluating the viability of a RICO complaint, as it outlines the necessary elements that must be alleged and proven.

[Mail & wire fraud.](#)

American Criminal Law Review - Georgetown University Law Center - Rosenblatt, Raphael - 1997-01-01

Extract

Violating [sections] 1341 and/or [sections] 1343 can create the unlawful acts necessary to establish a RICO(7) or money laundering violation.(8) Once a mail fraud or wire fraud offense has been proven, both the RICO and the money laundering statutes allow for more severe penalties.(9)

Summary

If mail or wire fraud is proven, it can support a RICO claim, which is essential for determining whether the allegations in Charles Dustin Myers' complaint sufficiently establish the elements of a RICO claim.

[RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS](#)

American Criminal Law Review - Georgetown University Law Center - 2021-07-01

Extract

Standing for a civil cause of action under RICO is established when a plaintiff shows: a violation of § 1962(a), (b), (c), ... the Supreme Court considered the issue of standing where the underlying violation was an alleged RICO conspiracy prohibited by § 1962(d). The Court held that an injury caused by an overt act that is neither an act of racketeering nor otherwise unlawful under RICO is insufficient to establish standing in a civil RICO suit. Consequently, a plaintiff bringing a civil RICO claim for injuries sustained from a violation of § 1962(d) must demonstrate that the injuries arose from a predicate act wrongful under RICO. Civil RICO actions provide no damages for the economic consequences of personal injuries sustained as a result of a RICO predicate act. A plaintiff's business or property must be directly injured to qualify for relief. Moreover, to establish standing in a civil RICO action, a plaintiff must prove the defendant's violation of § 1962 was the proximate cause of the plaintiff's injury.

Summary

Requirements for establishing standing in a civil RICO action, which is crucial for evaluating the viability of a complaint under RICO. It specifies that a plaintiff must demonstrate a violation of § 1962 and that the injury must arise from a predicate act that is wrongful under RICO. Additionally, the injury must be to the plaintiff's business or property, and the defendant's violation must be the proximate cause of the injury. This information is

essential for assessing whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

[Corporate Criminal Liability: End It, Don't Mend It.](#)

The Journal of Corporation Law - University of Iowa Journal of Corporation Law - Smith, Stephen F. - 2022-06-22

Extract

Subsection 1962(c), the most commonly used basis for substantive RICO charges, is instructive. It imposes civil and criminal liability on the persons 'employed by or associated with' organized-crime syndicates or other RICO 'enterprises' who 'conduct, or participate in the conduct of, the [enterprise's] affairs' through a 'pattern of racketeering activity.' (18) Although, as used in federal law, the term 'persons' can be construed to encompass corporations and certain other legal entities depending on context, (19) RICO defines 'person' narrowly so as to exclude organized crime syndicates. (20) Congress thus recognized that the vital objective of eradicating organized crime could be fully accomplished by taking aim at those who commit the racketeering activities...

Summary

The passage provides insight into the requirements for a RICO claim under 18 U.S.C. § 1962(c), which is relevant to evaluating the viability of a complaint under this statute. It explains that liability is imposed on individuals associated with a RICO enterprise who conduct its affairs through a pattern of racketeering activity. This is crucial for determining whether the allegations in Charles Dustin Myers' complaint sufficiently establish the elements of a RICO claim. The passage also clarifies the definition of "person" under RICO, which is important for understanding who can be held liable.

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

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

Extract

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

attention a viable racketeering claim. In addition, § 1962(a), (b), and (c) are limited in scope to conduct involving enterprises engaged in or the activities of which affect interstate commerce. It is the activities of the enterprise, not each predicate act, that must affect interstate or foreign commerce. RICO requires no more than a slight effect upon interstate commerce. Even a minimal effect on interstate commerce satisfies this jurisdictional requirement.

Summary

To establish a RICO claim under § 1962(c), the plaintiff must allege and prove four essential elements: conduct, enterprise, pattern, and racketeering activity. Each element is crucial, and failure to adequately plead any one of them will result in the complaint's failure. Additionally, the activities of the enterprise must affect interstate commerce, even if only slightly, to satisfy jurisdictional requirements. The passage also highlights the need for particularity in pleading fraud-related RICO claims, in compliance with Federal Rule of Civil Procedure 9(b).

PAYORS, PLAYERS, AND PROXIMATE CAUSE.

**Notre Dame Law Review - University of Notre Dame Law School -
Crusey, Elisabeth F. - 2022-05-01**

Extract

RICO is not just a tool for government control over organized crime. It is also a remedial statute for civil matters. (31) It 'authorize[s]... criminal or civil remedies on conduct already criminal, when performed in a specified fashion' as delineated by the statute. (32) Section 1962 provides civil remedies for four types of conduct: (1) using income derived from a pattern of racketeering activity (33) to acquire an interest in an enterprise; (2) acquiring or maintaining an interest in an enterprise through a pattern of racketeering activity; (3) conducting the affairs of an enterprise through a pattern of racketeering activity; and (4) conspiring to commit any of these offenses. (34) Today, Congress urges courts to construe RICO liberally from the 'perspective of the victim, not the perpetrator.' (35) A private civil right of action in [section] 1964 provides that '[a]ny person injured in his business or property by reason of a violation of section 1962... may sue.' (36) Notably, a successful plaintiff under [section] 1964 is entitled to treble damages and the cost of the suit, including attorney fees. (37)

Summary

Four types of conduct under Section 1962 that can form the basis of a RICO claim. It also highlights the liberal construction of RICO from the victim's perspective and the potential for treble damages and attorney fees for successful plaintiffs. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

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

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

Extract

18 U.S.C. [section] 1961. Id. at (b)(1). See also 18 U.S.C. [section] 1961(1) (2018) (defining 'racketeering activity' under Racketeer Influenced and Corrupts Organizations (RICO) statute. RICO defines racketeering activity as 'Any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical... which is chargeable under State law and punishable by imprisonment for more than one year.' Id. at (1)(A). The statute also enumerates several other federal criminal statutes whose violation constitutes racketeering activity. Id. at (1)(B).

Summary

The RICO statute defines racketeering activity to include a variety of criminal acts, both state and federal, that are punishable by more than one year of imprisonment. This definition is crucial for determining whether the allegations in a RICO complaint sufficiently establish the elements of a RICO claim. The passage provides the foundational legal framework necessary to evaluate whether the activities alleged in Charles Dustin Myers' complaint qualify as racketeering activities under RICO.

[RECONCEIVING COERCION-BASED CRIMINAL DEFENSES.](#)

Journal of Criminal Law and Criminology - Northwestern University, School of Law - Galoob, Stephen R. - 2022-03-22

Extract

The inquiry here is meant to invoke the 'pattern of racketeering activity' element of the Racketeer Influenced and Corrupt Organizations Act (RICO). The Organized Crime Control Act (1970), which includes RICO, provides that 'criminal conduct forms a pattern if it embraces criminal acts that have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events.' The Supreme Court characterized this requirement as a 'relationship' element and held that the statute further requires a 'continuity' element, 'referring either to a closed period of repeated conduct, or to past conduct that by its nature projects into the future with a threat of repetition.'

Summary

The passage provides insight into the requirements for establishing a "pattern of racketeering activity" under RICO, which is crucial for evaluating the viability of a RICO claim. It explains that a pattern involves criminal acts with similar purposes, results, participants, victims, or methods, and that these acts must be interrelated and not isolated. Additionally, the Supreme Court's interpretation requires a "relationship" and "continuity" element, meaning the conduct must either be repeated over a closed period or project into the future with a threat of repetition. This information is essential for assessing whether Charles Dustin Myers' allegations meet the necessary criteria for a RICO claim.

[Spoofing and Layering.](#)

The Journal of Corporation Law - University of Iowa Journal of Corporation Law - Mark, Gideon - 2020-01-01

Extract

Fourth, most recently the DOJ aggressively added the Racketeer Influenced and Corrupt Organizations Act (RICO) (231) to its toolbox. In August 2019 three JPMorgan Chase traders who allegedly placed thousands of spoof orders on COMEX and New York Mercantile Exchange, Inc. (NYMEX) during the period May 2008 to August 2016 were indicted in the Northern District of Illinois on multiple counts, including a RICO conspiracy count. (232) White collar criminal cases involving RICO charges are rare, and this indictment included the first RICO charges in a spoofing or layering case (233) and the first RICO charges against any Wall Street traders since the mid-1980s. (234) The 2019 indictment essentially alleges that the three traders converted the bank's precious metals trading desk into a criminal enterprise. A RICO charge may be easier for the government to prove than a pure spoofing charge because jurors 'are likely to have a more intuitive understanding of criminal enterprises than of spoofing,' (235) so if the prosecution is successful then this case may serve as a template in future spoofing cases. (236)

Summary

The passage provides insight into the use of RICO in financial fraud cases, particularly spoofing and layering. It highlights a precedent where RICO was successfully applied, suggesting that RICO can be a viable tool in prosecuting complex financial fraud cases. This is relevant to evaluating the viability of a RICO complaint, as it demonstrates that RICO can be applied in similar contexts and may be easier to prove than other charges due to jurors' understanding of criminal enterprises.

[Crimes](#)

**The Florida Criminal Cases Notebook. Volume 1-2 - James Publishing
- Joseph C. Bodiford - 2021-04-30**

Extract

In a substantive Racketeer Influenced and Corrupt Organizations Act (RICO) prosecution, the five-year statute of limitations begins from the date of the last predicate act in which the defendant personally participated, not the date of the last predicate act committed by the enterprise as a whole. State must specifically plead a RICO conspiracy if it intends to charge a defendant accordingly. In a RICO conspiracy, the crime is premised not upon the commission of the predicate acts of racketeering, or even an agreement to commit predicate acts, but upon an agreement to participate in the affairs of the criminal enterprise through a pattern of racketeering activity. While the state may plead and prove a substantive RICO charge by establishing a pattern of racketeering activity that includes conspiracies to commit predicate acts, this does not convert a plainly pleaded substantive RICO charge into a RICO conspiracy. A conspiracy to commit predicate acts of racketeering is different in kind from a conspiracy to conduct the affairs of the enterprise through a pattern of racketeering activity.

Summary

The passage provides insight into the statute of limitations for RICO prosecutions, which is crucial for determining the viability of a complaint. It specifies that the five-year statute of limitations begins from the date of the last predicate act in which the defendant personally participated. Additionally, it clarifies the distinction between a substantive RICO charge and a RICO conspiracy charge, emphasizing the need for specific pleading of a RICO conspiracy if that is the charge. This information is essential for evaluating whether the allegations in Charles Dustin Myers' complaint sufficiently establish the elements of a RICO claim and whether the complaint is timely.

[Santos v. Delta Airlines, Inc.](#)

USDOL Administrative Review Board Decisions

Extract

APPLYING THE MORRISON TEST TO CLAIMS ARISING UNDER THE RICO ACT... Since the Morrison decision, federal courts have applied the Morrison test to claims arising in non-transactional matters, and in particular, several courts have applied the Morrison test in cases arising under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962(c)... the challenge of applying Morrison in RICO cases stems from the difficulty in ascertaining where a RICO enterprise is located... the district court in Chevron Corp. took a different approach when considering a RICO claim that involved a scheme formulated predominantly by Americans to extort funds from Chevron Corp. (a U.S. Company) through 'a pattern of

racketeering activity that included acts in the United States by Americans as well as acts in Ecuador by both Americans and Ecuadorians.'... the court found that 'the focus properly is on the pattern of racketeering activity and its consequences.'

Summary

The Morrison test is applied to RICO claims to determine their territoriality. The focus is on the pattern of racketeering activity and its consequences, rather than solely on the location of the enterprise. This is relevant to evaluating whether a RICO claim sufficiently establishes the necessary elements, such as the existence of an enterprise, a pattern of racketeering activity, and injury to business or property. The passage also highlights the complexity of determining jurisdiction and venue in RICO cases, especially when activities occur both domestically and internationally.

[RICO: A Primer](#)

Extract

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees... Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud); 18 U.S.C. ' 1831 (economic espionage); 18 U.S.C. ' 1832 (theft of trade secrets); 18 U.S.C. ' 1952 (Travel Act); 18 U.S.C. ' 1956, 1957 (money laundering); and 18 U.S.C. ' 2318-2320 (copyright infringement). Mail and wire fraud are the most common predicate acts... Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses. To prove a violation of Section 1962(d), a plaintiff must prove the following elements: * The existence of an enterprise (or that an enterprise would exist); * That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce; and * That each defendant knowingly agreed that a conspirator would commit a violation of 18 U.S.C. ' 1962(c).

Summary

General overview of what constitutes a RICO claim under U.S. Federal law, specifically under 18 U.S.C. §§ 1962(c) and (d). It outlines the requirements for establishing a "pattern of racketeering activity" and the elements necessary to prove a RICO conspiracy under Section 1962(d). This includes the existence of an enterprise, its engagement in or effect on interstate or foreign commerce, and the defendants' agreement to commit a violation. This information is essential for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

[RICO: A Primer](#)

Extract

RICO provides for a civil action against persons engaged in a 'pattern of racketeering activity' or 'collection of an unlawful debt.' A successful plaintiff may recover treble damages, costs, and attorneys' fees. ... Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. ... Mail and wire fraud are the most common predicate acts. ... Under Section 1962(d), it is a violation to conspire to commit any of the three substantive RICO offenses. To prove a violation of Section 1962(d), a plaintiff must prove the following elements: * The existence of an enterprise (or that an enterprise would exist); * That the enterprise was (or would be) engaged in, or its activities affected (or would affect), interstate or foreign commerce; and * That each defendant knowingly agreed that a conspirator would commit a violation of 18 U.S.C. ' 1962(c).

Summary

N overview of the requirements for a civil RICO claim, including the need to demonstrate a "pattern of racketeering activity" or the "collection of an unlawful debt." It also outlines the elements required to prove a violation of Section 1962(d), which involves conspiracy to commit RICO offenses. These elements include the existence of an enterprise, its engagement in or effect on interstate or foreign commerce, and the defendants' agreement to commit a violation. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

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

Extract

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

Summary

Basic elements required to establish a RICO claim under Sections 1962(c) and (d). It explains that a RICO claim involves conduct associated with an "enterprise" and a "pattern of racketeering activity." The passage also details the specific prohibitions under Sections 1962(a), (b), (c), and (d), which are essential for evaluating the viability of a RICO complaint. This information is crucial for determining whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

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

Extract

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

Summary

Detailed explanation of the elements required to establish a RICO claim under Sections 1962(c) and (d). It outlines the necessity of proving an "enterprise" and a "pattern of racketeering activity," as well as the specific prohibitions under each subsection of Section 1962. This information is crucial for evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim.

[SCOTUS Confirms Civil RICO Liability For US Acts To Frustrate US Enforcement Of Foreign Arbitration Award And Relieves Hurdles For Parties Seeking Arbitration](#)

Extract

The Yegiazaryan decision resolves a circuit split between the Ninth and Seventh Circuits on the issue of identifying a domestic injury that is required for a private civil RICO suit. Here, the Supreme Court held that for any civil remedies under 18 U.S.C. Section 1964, a 'context-specific inquiry that turns

largely on the particular facts alleged in the complaint' can determine whether a plaintiff can claim the required 'domestic injury.' Slip op. at 8. This inquiry will require courts to look specifically at the 'circumstances surrounding the alleged injury to assess whether it arose in the United States.' Id. at 3.

Summary

The passage provides insight into how courts should assess whether a domestic injury exists for a civil RICO claim, which is a critical element for establishing the viability of such a claim. The Supreme Court's decision emphasizes a context-specific inquiry based on the facts alleged in the complaint, rather than a bright-line rule based on the plaintiff's residence. This approach is relevant to evaluating whether Charles Dustin Myers' complaint sufficiently establishes the elements of a RICO claim, particularly the requirement of a domestic injury.

[Defending RICO Claims In The Business Context Part II: RICO Claims Must Allege Injury To Business Or Property](#)

Extract

In Part II, we describe one of the best tools businesses have in the toolkit—moving to dismiss a RICO claim because the plaintiff failed to allege that his purported injuries are sufficient to convey what is 'RICO standing.' Fortunately for defendants, the RICO standing requirement greatly restricts the types of claims that can survive a motion to dismiss. If a plaintiff brings a civil suit alleging a RICO violation, the plaintiff must plausibly allege that his injury animating the RICO claim is associated with his business or property by reason of the defendant's violation of the RICO laws. Absent these allegations, the lawsuit must be dismissed. RICO standing is distinct from the more well-known concept of constitutional standing. For RICO claims, in addition to pleading a sufficiently specific injury, including allegations that the plaintiff has suffered known damages (as opposed to mere speculative or unprovable damages), the plaintiff must allege that he suffered an injury to his business or property that bears some causal relationship to the alleged act or acts that violated RICO.

Summary

The passage provides insight into the requirements for establishing a RICO claim, specifically the necessity of alleging an injury to business or property that is causally related to the alleged RICO violation. This is a critical component of RICO standing, which is distinct from constitutional standing. The passage emphasizes that without these allegations, a RICO claim is likely to be dismissed. This information is generally applicable to any RICO claim, including the one filed by Charles Dustin Myers, as it outlines the fundamental requirements for a RICO claim to be viable.

[Open Question: Use Of Stolen Trade Secrets May Or May Not Qualify As A Predicate Act Under RICO](#)

Extract

Summary

Elements required to state a civil RICO claim, which include the existence of an enterprise affecting interstate commerce, the defendant's association with the enterprise, participation in the enterprise's affairs, and participation through a pattern of racketeering activity with at least two acts. This information is relevant to evaluating whether Charles Dustin Myers' complaint under RICO sufficiently establishes the necessary elements of a RICO claim.

[Defending RICO Claims In The Business Context Part III](#)

Extract

In Part I of this series Defending RICO Claims in the Business Context, we described why a plan to defend against potential claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961-68, should be in every business's toolkit. In Part II, we explained that one of the best tools businesses have in that toolkit is moving to dismiss a RICO claim early because the plaintiff failed to allege that his purported injuries are sufficient to convey what is known as "RICO standing." Both of these parts specifically addressed the federal RICO laws. However, because many states have their own versions of these laws, which are often called "Little RICO Acts," businesses should also be aware of the potential risks of liability under analogous RICO laws in the states where they operate.

Summary

The passage highlights the importance of establishing "RICO standing" as a critical element in defending against RICO claims. It suggests that a common defense strategy is to move to dismiss a RICO claim if the plaintiff fails to allege sufficient injuries to establish standing. This is relevant to evaluating the viability of Charles Dustin Myers' complaint, as it underscores the necessity for Myers to demonstrate that his injuries meet the threshold for RICO standing. Additionally, the passage notes the existence of state-level RICO laws, which could be relevant if Myers' complaint involves state claims.

[Open Question: Use Of Stolen Trade Secrets May Or May Not Qualify As A Predicate Act Under RICO](#)

Extract

Summary

Elements required to state a civil RICO claim, which include the existence of an enterprise affecting interstate commerce, the defendant's association with the enterprise, participation in the enterprise's affairs, and a pattern of racketeering activity with at least two acts. This information is relevant to evaluating whether Charles Dustin Myers' complaint under RICO sufficiently establishes the necessary elements for a claim.

[SCOTUS Clarified RICO's Domestic Injury Requirement, Did Not Create New Civil Right Of Action For Enforcing Arbitration Awards](#)

Extract

Post-Smagin, civil RICO remains a narrow and burdensome path for any plaintiff and, while perceptions of the high court's tacit approval may incentivize new test cases, filing longshot racketeering claims will do more harm than good to an asset recovery campaign. Foreign creditors chasing assets hidden behind fraudulent schemes still need to scrutinize carefully whether theirs is the rare case supporting civil RICO liability. ... In the wake of Smagin, civil RICO remains a longshot claim with heavy burdens and discouraging odds. Smagin neither changes the complex substantive standards applicable to civil RICO claims nor increases a plaintiff's chances of prevailing on the merits of such claims. Instead, the Supreme Court merely confirmed that foreign plaintiffs can meet the domestic injury requirement, which is but one of the many requirements needed to substantiate a civil RICO claim. Would-be plaintiffs still must overcome highly-burdensome challenges inherent in civil RICO claims, including exacting requirements to establish a RICO enterprise, a pattern of racketeering activity and the elements of specifically-enumerated predicate acts. When claims are fraud-based (most civil RICO theories are), the heightened specificity requirements of Rule 9 of the Federal Rules of Civil Procedure compound each of these burdens.

Summary

The Supreme Court's decision in Smagin clarified that foreign plaintiffs can meet the domestic injury requirement for civil RICO claims. However, the decision did not alter the substantive requirements of a civil RICO claim, which remain complex and burdensome. Plaintiffs must still establish a RICO enterprise, a pattern of racketeering activity, and specific predicate acts, with heightened specificity for fraud-based claims. This indicates that while the domestic injury requirement may be met, the overall viability of a RICO claim remains challenging due to these stringent requirements.

This memo was compiled by Vincent AI based on vLex materials available as of June 17, 2025. [View full answer on vLex](#)