

Question

The complaint identifies multiple predicate acts, including wire fraud, mail fraud, and obstruction of justice, occurring over a period of months and involving interstate communications and transactions. Under 18 U.S.C. § 1961(5), a "pattern of racketeering activity" requires at least two predicate acts of racketeering within a 10-year period that are related and pose a threat of continued criminal activity. The alleged predicate acts, such as fabricating legal documents, transmitting them via mail and wire, and obstructing justice through threats and intimidation, constitute a pattern of racketeering activity as defined by RICO.

Answer (U.S. Federal)

Short response

Under [18 U.S.C. § 1961](#)(5), the alleged predicate acts of wire fraud, mail fraud, and obstruction of justice occurring over a period of months and involving interstate communications constitute a pattern of racketeering activity as defined by RICO. These acts satisfy RICO's requirements because they include at least two predicate acts of racketeering within a 10-year period that are related and demonstrate continuity or pose a threat of continued criminal activity.

Summary

The [Racketeer Influenced and Corrupt Organizations Act](#) (RICO) was designed to combat organized crime by creating both criminal and civil liability for individuals engaged in a pattern of racketeering activity. Under RICO's statutory framework, a "pattern of racketeering activity" requires at least two predicate acts of racketeering occurring within a 10-year period. The Supreme Court has further clarified that these acts must be related and must amount to or pose a threat of continued criminal activity, establishing what is known as the "continuity plus relationship" test.

In this case, the complaint identifies multiple predicate acts including wire fraud, mail fraud, and obstruction of justice occurring over a period of months and involving interstate communications and transactions. These allegations, if proven, would satisfy RICO's statutory requirements for a pattern of racketeering activity. The acts are related as they appear to be part of a common scheme involving the fabrication of legal documents, their transmission via mail and wire, and obstruction of justice through threats and intimidation. Additionally, these acts demonstrate continuity by occurring over a period of months, suggesting they are not isolated incidents but rather indicative of ongoing criminal activity.

Legislative Framework

The RICO statute provides the legislative framework for determining what constitutes a "pattern of racketeering activity." Under [18 U.S.C. § 1961](#)(5), a "pattern of racketeering activity" is defined 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](#)(5) (2025).

The statute further defines "racketeering activity" to include numerous federal and state crimes, including mail fraud, wire fraud, and obstruction of justice. [18 U.S.C. § 1961](#) (2025) states that "'racketeering activity' means... (B) any act which is indictable under any of the following provisions of title 18, United States Code:... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud),... section 1503 (relating to obstruction of justice)..."

The federal mail fraud statute, [18 U.S.C. § 1341](#) (2025), prohibits using the postal service or interstate carriers to execute a scheme to defraud:

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

Similarly, the wire fraud statute, [18 U.S.C. § 1343](#) (2025), prohibits using interstate wire communications to execute such schemes:

"Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both."

Under [18 U.S.C. § 1962](#) (2025), it is unlawful "for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

Judicial Interpretation of the "Pattern" Requirement

While the statutory definition requires at least two predicate acts within a ten-year period, courts have consistently held that this alone is insufficient to establish a pattern of racketeering activity. The Supreme Court has played a crucial role in developing this area of law, particularly through its landmark decision in [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229 \(1989\)](#).

In [H.J. Inc.](#), the Supreme Court established 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 stated: "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." [H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 \(1989\)](#).

This "continuity plus relationship" test has been consistently applied by lower courts. For example, in [Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#), the court reiterated that a "'pattern of racketeering activity' requires at least two acts of racketeering activity, § 1961(5), which must be 'related' and 'amount to or pose a threat of continued criminal activity.'"

Similarly, the Third Circuit in [In re Insurance Brokerage Antitrust Litig., 618 F.3d 300 \(3rd Cir. 2010\)](#) stated: "According to the RICO statute, a 'pattern of racketeering activity' requires at least two acts of racketeering activity within a ten-year period. [18 U.S.C. § 1961\(5\)](#). 'These predicate acts of racketeering may include, inter alia, federal mail fraud under [18 U.S.C. § 1341](#) or federal wire fraud under [18 U.S.C. § 1343](#).'"

The Second Circuit in [U.S. v. Pizzonia, 577 F.3d 455 \(2nd Cir. 2009\)](#) emphasized that RICO was concerned with long-term criminal conduct, noting that the pattern element "serves to ensure that a defendant's criminal participation in an enterprise is not merely isolated or sporadic, but indicative of the sort of continuity of criminal activity—or the threat of continuity—that is the hallmark of racketeering."

The Eighth Circuit in [Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#) further clarified that "a mere allegation of two or more acts is insufficient to state a RICO claim; the predicate acts must be related and must 'amount to or pose a threat of continued criminal activity.'"

Relationship Requirement

The "relationship" prong of the pattern test requires that the predicate acts have similar purposes, results, participants, victims, or methods of

commission, or otherwise be interrelated by distinguishing characteristics rather than being isolated events.

In [U.S. v. Workman, 80 F.3d 688 \(2nd Cir. 1996\)](#), the court upheld a jury instruction that made clear that "the two racketeering acts with which [defendant] was charged had to be interrelated and had to pose a threat of continued racketeering activity in order to satisfy RICO's 'pattern' requirement."

The "relationship" requirement is further illustrated in [U.S. v. Teitler, 802 F.2d 606 \(2nd Cir. 1986\)](#), where the court stated that "the predicate acts must have been connected with each other by some common scheme, plan or motive so as to constitute a pattern and not merely a series of disconnected acts."

Continuity Requirement

The "continuity" prong of the pattern test can be satisfied through either "closed-ended continuity" or "open-ended continuity." As explained in a RICO primer cited in the administrative decisions, closed-ended continuity involves "a series of related predicate acts extending over a substantial period of time," while open-ended continuity involves "a threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged." RICO: A Primer (2022-01-31).

In [Banks v. Wolk, 918 F.2d 418 \(3rd Cir. 1990\)](#), the court referenced the Supreme Court's [H.J. Inc.](#) decision, noting that a plaintiff must show that "the racketeering acts are related, and that they amount to or pose a threat of continued criminal activity." The court further emphasized that RICO was concerned with long-term criminal conduct rather than isolated or sporadic criminal acts.

The temporal aspect of continuity was discussed in [Ashland Oil, Inc. v. Arnett, 875 F.2d 1271 \(7th Cir. 1989\)](#), where the court noted that a pattern requires at least two acts of racketeering activity within a ten-year period. The court also suggested that the use of "several unlawful means of achieving the scheme's goal" could distinguish a RICO case from ordinary fraud cases.

Application to the Current Case

Based on the legislative framework and judicial interpretations outlined above, the alleged predicate acts in the complaint—wire fraud, mail fraud, and obstruction of justice occurring over a period of months and involving interstate communications and transactions—would likely constitute a "pattern of racketeering activity" as defined by RICO.

Statutory Requirements

First, the alleged acts are explicitly listed as "racketeering activity" under [18 U.S.C. § 1961](#)(1)(B), which includes mail fraud ([18 U.S.C. § 1341](#)), wire fraud

([18 U.S.C. § 1343](#)), and obstruction of justice (18 U.S.C. § 1503) as predicate acts.

Second, the complaint alleges multiple predicate acts, satisfying the requirement of "at least two acts of racketeering activity" under [18 U.S.C. § 1961\(5\)](#). These acts are alleged to have occurred within a period of months, well within the ten-year period specified by the statute.

Relationship Requirement

The alleged predicate acts appear to be related as they are described as part of a common scheme involving the fabrication of legal documents, their transmission via mail and wire, and obstruction of justice through threats and intimidation. This suggests a common purpose, similar methods of commission, and potentially the same participants and victims.

Courts have recognized that acts involving mail and wire fraud can be related even if they arise from a common set of facts. In [Beth Israel Medical Center v. Smith, 576 F.Supp. 1061 \(S.D. N.Y. 1983\)](#), the court rejected the argument that predicate acts must occur in different factual situations, stating: "Movants' contention that separate acts of mail and wire fraud arising out of a common nucleus of facts cannot be considered separate predicate RICO acts is without merit... First, the plain language of the statute refers to 'any act which is indictable' under the mail or wire fraud statutes, without a qualification that each act must occur in a different factual situation. Second, it would contradict the requirement of a 'pattern of racketeering activity' to hold that the acts making up the pattern must take place in unconnected factual circumstances."

Continuity Requirement

The alleged acts occurring over a period of months suggest a pattern of ongoing criminal activity rather than isolated incidents. This temporal spread supports the "closed-ended continuity" approach to satisfying the continuity requirement.

Furthermore, the nature of the alleged acts—fabricating legal documents, transmitting them via mail and wire, and obstructing justice through threats and intimidation—suggests a coordinated and ongoing scheme that could pose a threat of continued criminal activity, potentially supporting "open-ended continuity" as well.

Multiple Predicate Acts

The complaint specifically identifies multiple types of predicate acts—wire fraud, mail fraud, and obstruction of justice. Courts have recognized that the use of multiple types of unlawful activities can help establish a pattern of racketeering.

In [United HealthCare Corp. v. American Trade Ins. Co., Ltd., 88 F.3d 563 \(8th Cir. 1996\)](#), the court noted that the predicate acts of mail and wire fraud are established through proof of "(1) a scheme to defraud; (2) intent to

defraud; (3) reasonable foreseeability that the mails (or wires) would be used; and (4) use of the mails (or wires) in furtherance of the scheme."

In [Arizona Premium Finance, Inc. v. Bielli, 77 F.Supp.2d 341 \(E.D. N.Y. 1999\)](#), the court reiterated that a pattern requires at least two acts of racketeering occurring within ten years of each other, and specifically mentioned mail and wire fraud as examples of predicate acts under [18 U.S.C. § 1961\(1\)\(B\)](#).

The inclusion of obstruction of justice among the alleged predicate acts adds another dimension to the pattern. In [D'Addario v. Geller, 264 F.Supp.2d 367 \(E.D. Va. 2003\)](#), the court noted that "racketeering must involve the commission of two or more predicate acts, including mail fraud and obstruction of justice" and referenced a case where the plaintiff "alleges multiple predicate acts of mail fraud and at least one predicate act of obstruction of justice."

Interstate Commerce Connection

The complaint's reference to "interstate communications and transactions" is significant as it connects the alleged pattern of racketeering activity to interstate commerce, which is a jurisdictional requirement under RICO. As stated in [Nutrition Distribution LLC v. Custom Nutraceuticals LLC, 194 F.Supp.3d 952 \(D. Ariz. 2016\)](#), 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."

Potential Challenges and Limitations

Despite the strength of the claim that the alleged acts constitute a pattern of racketeering activity, there are potential challenges and limitations to consider.

Pleading Requirements

Courts often require heightened pleading standards for RICO claims, particularly those involving mail and wire fraud as predicate acts. In [Goren v. New Vision Intern., Inc., 156 F.3d 721 \(7th Cir. 1998\)](#), the court noted that "a plaintiff alleging predicate acts of mail and wire fraud must do so with particularity. See Fed.R.Civ.P. 9(b)." It should be noted that this case has been stated as abrogated by *Griffin v. UW Sys. Bd. of Regents*, 19-cv-277-bbc (W.D. Wis. Oct 16, 2019), although the specific pleading requirements for fraud under Rule 9(b) remain valid.

Similarly, in [Mowett v. Jpmorgan Chase Bank, Case No. 15-12612 \(E.D. Mich. Mar 31, 2016\)](#), the court outlined the requirements for establishing RICO violations. However, this case was stated as abrogated by *Fuller v. Select Portfolio Servicing, Inc.*, Case No. 1:19-cv-28 (W.D. Mich. Mar 02, 2021). While we can still consider the general principles stated in *Mowett*, we must do so with caution given this subsequent treatment.

Duration and Extent of Activity

While the complaint alleges acts occurring over a period of "months," courts have sometimes required longer periods to establish closed-ended continuity. The specific duration required varies by circuit, but a period of months might be considered relatively short in some jurisdictions.

Relatedness of Predicate Acts

If the predicate acts can be characterized as isolated or disconnected events rather than part of a common scheme or plan, this could undermine the "relationship" prong of the pattern requirement.

Conclusion

Based on the legislative framework provided by [18 U.S.C. § 1961](#)-1968 and the extensive judicial interpretations of those provisions, the alleged predicate acts of wire fraud, mail fraud, and obstruction of justice occurring over a period of months and involving interstate communications and transactions would likely constitute a "pattern of racketeering activity" as defined by RICO.

The alleged acts satisfy the statutory requirement of at least two predicate acts of racketeering activity occurring within a ten-year period. Moreover, they appear to meet the judicially-created "continuity plus relationship" test established by the Supreme Court in [H.J. Inc.](#) and consistently applied by lower courts.

The acts are related as they allegedly involve a common scheme of fabricating legal documents, transmitting them via mail and wire, and obstructing justice through threats and intimidation. They demonstrate continuity by occurring over a period of months, suggesting an ongoing pattern rather than isolated incidents.

The fact that the alleged acts include multiple types of predicate offenses—wire fraud, mail fraud, and obstruction of justice—further supports the existence of a pattern of racketeering activity. Additionally, the involvement of interstate communications and transactions establishes the necessary connection to interstate commerce required by RICO.

While potential challenges exist regarding pleading standards and the duration of the alleged activity, the overall weight of the legislative and judicial authorities supports the conclusion that the alleged acts constitute a pattern of racketeering activity as defined by RICO.

In sum, the complaint's identification of multiple predicate acts, including wire fraud, mail fraud, and obstruction of justice, occurring over a period of months and involving interstate communications and transactions, satisfies the requirements for a "pattern of racketeering activity" under [18 U.S.C. § 1961](#)(5) and the judicial interpretations of that provision.

Legal Authorities

[Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402 \(8th Cir. 1999\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

The pattern element 'requires at least two acts of racketeering activity.' 18 U.S.C. § 1961(5); see also *H.J. Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 237-38, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). However, a mere allegation of two or more acts is insufficient to state a RICO claim; the predicate acts must be related and must 'amount to or pose a threat of continued criminal activity.' See *United HealthCare Corp. v. American Trade Ins. Co., Ltd.*, 88 F.3d 563, 571 (8th Cir.1996) (quoting *H.J. Inc.*, 492 U.S. at 239, 109 S.Ct. 2893).

Summary

The passage from the *Wisdom v. First Midwest Bank* case provides a clear interpretation of the requirements for establishing a pattern of racketeering activity under RICO. It confirms that at least two acts of racketeering are required, and these acts must be related and pose a threat of continued criminal activity. This directly supports the proposition that the alleged predicate acts, such as wire fraud and mail fraud, can constitute a pattern of racketeering activity if they meet these criteria.

[U.S. v. Teitler, 802 F.2d 606 \(2nd Cir. 1986\)](#)

U.S. Court of Appeals — Second Circuit

Extract

A pattern of racketeering activity is committed if the Defendant committed at least two of the racketeering acts charged against him or her in the indictment.... In addition [to proving two racketeering acts], the government must prove beyond a reasonable doubt that the predicate acts constituted part of a larger pattern of activity that characterized each Defendant's conduct of or participation in the affairs of the law firm. That is to say, the predicate acts must have been connected with each other by some common scheme, plan or motive so as to constitute a pattern and not merely a series of disconnected acts.

Summary

The court in "*U.S. v. Teitler*" affirmed the requirement that a pattern of racketeering activity under RICO involves at least two predicate acts that are connected by a common scheme, plan, or motive. This supports the proposition by confirming that multiple predicate acts, such as mail fraud

and obstruction of justice, can constitute a pattern if they are part of a larger scheme.

[Ashland Oil, Inc. v. Arnett, 875 F.2d 1271 \(7th Cir. 1989\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

A pattern of racketeering activity 'requires at least two acts of racketeering activity, one of which occurred after [October 15, 1970] 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. Sec. 1961(5). 'Racketeering activity,' in turn, includes any act or threat 'chargeable' under certain state laws (including arson), and any act 'indictable' under a number of enumerated federal criminal statutes (including wire and mail fraud, and bankruptcy fraud). ... The plaintiffs claim that the evidence in Count II was sufficient under Morgan because it involved 'literally hundreds of predicate acts' of mail and wire fraud, plus arson and bankruptcy fraud, and because four victims were injured over a period of time. ... More than the number of predicate acts, proof that the defendants used several unlawful means of achieving the scheme's goal separates this case from ordinary business fraud cases.

Summary

The court in "Ashland Oil, Inc. v. Arnett" discusses the requirements for establishing a pattern of racketeering activity under RICO. The court emphasizes that a pattern requires at least two acts of racketeering activity within a ten-year period and that these acts must be related and pose a threat of continued criminal activity. The case also highlights that the use of multiple unlawful means to achieve a scheme's goal can distinguish a RICO case from ordinary business fraud cases. This supports the proposition that the alleged predicate acts in the complaint, such as wire fraud, mail fraud, and obstruction of justice, can constitute a pattern of racketeering activity under RICO.

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

U.S. Supreme Court

Extract

RICO takes aim at 'racketeering activity,' which it defines as any act 'chargeable' under several generically described state criminal laws, any act 'indictable' under numerous specific federal criminal provisions, including mail and wire fraud... Section 1961 defines 'racketeering activity' to mean

any of numerous acts 'chargeable' or 'indictable' under enumerated state and federal laws, including... federal mail and wire fraud statutes... It states that 'a pattern' of racketeering activity requires proof of at least two acts of racketeering within 10 years... The definition of 'pattern' may thus logically be interpreted as meaning that the presence of the predicate acts is only the beginning: something more is required for a 'pattern' to be proved... The legislative history supports the view that two isolated acts of racketeering activity do not constitute a pattern. As the Senate Report explained: 'The target of [RICO] is thus not sporadic activity... It is this factor of continuity plus relationship which combines to produce a pattern.'

Summary

RICO defines racketeering activity to include acts indictable under federal mail and wire fraud statutes. The statute requires at least two acts of racketeering within a 10-year period to establish a pattern, but these acts must also demonstrate continuity and relationship to constitute a pattern. The passage supports the proposition by confirming that the alleged predicate acts, such as mail and wire fraud, can form a pattern of racketeering activity if they are related and pose a threat of continued criminal activity.

[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... Plaintiff alleges multiple predicate acts of mail fraud and at least one predicate act of obstruction of justice committed by defendant Geller in allegedly making false statements to this court... The RICO statute itself requires 'at least two' instances of racketeering activity. 18 U.S.C. § 1961(5). Two acts are necessary but not sufficient to establish a pattern of racketeering activity. *Sedima*, 473 U.S. at 496 n. 14, 105 S.Ct. 3275. In *H.J., Inc. v. Northwestern Bell Tel. Co.*, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989), the Supreme Court held that a 'pattern' requires a showing of a relationship between the predicate acts and a threat of continued criminal activity.

Summary

The RICO statute requires at least two predicate acts of racketeering activity, such as mail fraud and obstruction of justice, to establish a pattern. The passage also references the Supreme Court's interpretation that these

acts must be related and pose a threat of continued criminal activity. The case provides an example of how these legal principles are applied in practice, supporting the proposition that the alleged acts in the complaint could constitute a pattern of racketeering activity.

[U.S. v. Welch, 656 F.2d 1039 \(5th Cir. 1981\)](#)

U.S. Court of Appeals — Fifth Circuit

Extract

Engaging in a 'pattern of racketeering activity' requires at least two acts of racketeering within a ten-year period. Finally, racketeering activity is expressly defined to include only certain types of conduct, including acts indictable under 18 U.S.C.A. § 1511... To be convicted on a section 1962(c) RICO charge, the evidence must show that the defendant participated in the affairs of the enterprise through a pattern of racketeering activity. This requires the commission of at least two predicate crimes... Section 1961(5) defines '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.'

Summary

The court in "U.S. v. Welch" outlines the statutory requirements for a pattern of racketeering activity under RICO. It confirms that at least two predicate acts within a ten-year period are necessary, and these acts must be related to the affairs of an enterprise. This directly supports the proposition that the alleged predicate acts in the complaint, such as wire fraud, mail fraud, and obstruction of justice, can constitute a pattern of racketeering activity if they meet these criteria.

[Sedima, S.P.R.L. v. Imrex Co., Inc., 741 F.2d 482 \(2nd Cir. 1984\)](#)

U.S. Court of Appeals — Second Circuit

Extract

Two of the RICO counts allege that the fraudulent purchase orders, invoices and credit memoranda constitute a pattern of racketeering activity, the predicate acts being separate and numerous violations of the Mail Fraud Act, 18 U.S.C. Sec. 1341 (1982) and the Wire Fraud Act, 18 U.S.C. Sec. 1343 (1982)... Section 1964(c) states that anyone 'injured' 'by reason of' a violation of section 1962 is entitled to treble damages. Section 1962 'violations' include conducting 'enterprises' 'through a pattern of racketeering'; a 'pattern of racketeering' is defined by section 1961(5) as

two or more 'acts of racketeering' occurring within a given time... 18 U.S.C. Sec. 1961(5) provides: (5) 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity....

Summary

The passage from the Sedima case provides a clear explanation of what constitutes a "pattern of racketeering activity" under RICO, specifically referencing the requirement of at least two predicate acts within a ten-year period as defined by 18 U.S.C. § 1961(5). It also highlights that these acts can include mail and wire fraud, which are relevant to the proposition. The case further clarifies that a pattern requires more than just isolated acts, implying a relationship and continuity, which supports the proposition's assertion of a pattern involving multiple predicate acts over time.

[U.S. v. D'amico, 734 F.Supp.2d 321 \(S.D. N.Y. 2010\)](#)

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

Extract

After describing the layout of the office space (based on information from an employee in the building), the Affidavit stated the facts supporting Agent LaManna's assertion that the FBI's investigation had yielded probable cause to believe that the Premises contained evidence of money laundering (18 U.S.C. § 1956), mail fraud (18 U.S.C. § 1341) and wire fraud (18 U.S.C. § 1343).

Summary

The FBI's investigation found probable cause for predicate acts such as mail fraud and wire fraud, which are relevant to establishing a pattern of racketeering activity under RICO. This supports the proposition that such acts can be part of a RICO charge if they are related and pose a threat of continued criminal activity.

[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, § 1961(5), which must be 'related' and 'amount to or pose a threat of continued criminal activity.'

Summary

The passage provides a clear explanation of what constitutes a "pattern of racketeering activity" under RICO. It specifies that at least two acts of racketeering are required, which must be related and pose a threat of continued criminal activity. This directly supports the proposition by confirming that the alleged predicate acts, such as wire fraud, mail fraud, and obstruction of justice, if proven, could constitute a pattern of racketeering activity as defined by RICO.

[Hlista v. Safeguard Props., LLC, No. 15-1812 \(3rd Cir. May 05, 2016\)](#)

U.S. Court of Appeals — Third Circuit

Extract

A plaintiff bringing a substantive RICO claim under § 1962(c) must allege '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.' In re Ins. Brokerage Antitrust Litig., 618 F.3d 300, 362 (3d Cir. 2010) (internal quotation marks omitted). A pattern of racketeering activity 'requires at least two acts of racketeering activity within a ten-year period.' Id. (quoting 18 U.S.C. § 1961(5)); see Banks v. Wolk, 918 F.2d 418, 421 (3d Cir. 1990) ('[N]o defendant can be liable under RICO unless he participated in two or more predicate offenses sufficient to constitute a pattern.'). These are known as 'predicate acts' and 'may include, inter alia, federal mail fraud under 18 U.S.C. § 1341 or federal wire fraud under 18 U.S.C. § 1343.' Lum v. Bank of Am., 361 F.3d 217, 223 (3d Cir. 2004), abrogated in part on other grounds by Twombly, 550 U.S. at 557; 18 U.S.C. § 1961(1) (defining 'racketeering activity').

Summary

For a RICO claim under § 1962(c), a plaintiff must demonstrate a pattern of racketeering activity, which requires at least two predicate acts within a ten-year period. The passage specifically mentions that predicate acts can include federal mail fraud and wire fraud, which aligns with the proposition's mention of these acts as part of the alleged racketeering activity. The passage supports the proposition by confirming that such acts can constitute a pattern of racketeering activity under RICO.

[Mowett v. Jpmorgan Chase Bank, Case No. 15-12612 \(E.D. Mich. Mar 31, 2016\)](#)

U.S. District Court — Eastern District of Michigan

Extract

To establish a RICO violation under § 1962(c), a plaintiff must allege that the RICO enterprise engaged in a 'pattern of racketeering activity' consisting of at least two predicate acts of racketeering activity occurring within a ten-year period. 18 U.S.C. § 1961(5). The alleged predicate acts may consist of offenses 'which are indictable' under any of a number of federal statutes, including the mail (18 U.S.C. § 1341) and wire fraud statutes (18 U.S.C. § 1343). 18 U.S.C. § 1961(1).

Summary

To establish a RICO violation, a plaintiff must demonstrate a pattern of racketeering activity, which includes at least two predicate acts within a ten-year period. The passage specifically mentions that these acts can include mail and wire fraud, which are relevant to the proposition. The passage supports the idea that the alleged predicate acts, if they involve mail and wire fraud, could constitute a pattern of racketeering activity under RICO.

[Corporacion Insular de Seguros v. Reyes Munoz, 849 F.Supp. 126 \(D. P.R. 1994\)](#)

U.S. District Court — District of Puerto Rico

Extract

Codefendants' participation in the enterprise constituted a pattern of racketeering. The 'pattern of racketeering activity' consists of a requisite number of criminal acts performed by the persons composing the enterprise. Turkette, 452 U.S. at 583, 101 S.Ct. at 2528. A pattern requires at least two criminal activities within ten years. 18 U.S.C. § 1961(5) (1984). In addition, the racketeering predicates must be related and amount to or pose a continued threat of criminal activity. H.J. Inc. v. Northwestern Bell Telephone Co., 492 U.S. 229, 239, 109 S.Ct. 2893, 2900, 106 L.Ed.2d. 195 (1989). Mail fraud constitutes 'racketeering activity.' 18 U.S.C. §§ 1341 and 1961(1)(B) (1984).

Summary

Requirements for establishing a pattern of racketeering activity under RICO, specifically noting that a pattern requires at least two criminal activities within ten years that are related and pose a continued threat of criminal activity. It also identifies mail fraud as a form of racketeering activity. This

directly supports the proposition that the alleged predicate acts, such as mail fraud, can constitute a pattern of racketeering activity under RICO.

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

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

Extract

To establish such a pattern of racketeering activity, 'a plaintiff must plead at least two predicate acts, show that the acts are related and that they amount to, or pose a threat of, continuing criminal activity.' *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 239, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989). RICO is aimed at 'racketeering activity,' which the statute defines, in relevant part, as certain acts indictable under Federal law, including mail and wire fraud, and violations of the Hobbs Act. 18 U.S.C. § 1961(1)(B). A 'pattern' requires at least two acts of 'racketeering activity,' occurring within ten years of each other. See 18 U.S.C. § 1961(5).

Summary

Requirements for establishing a "pattern of racketeering activity" under RICO, which includes at least two predicate acts that are related and pose a threat of continued criminal activity. The passage specifically mentions mail and wire fraud as examples of predicate acts under 18 U.S.C. § 1961(1)(B), which aligns with the proposition's mention of these acts. The requirement that these acts occur within a 10-year period and be related to pose a threat of continued activity supports the proposition's assertion of a pattern of racketeering activity.

[Beth Israel Medical Center v. Smith, 576 F.Supp. 1061 \(S.D. N.Y. 1983\)](#)

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

Extract

Movants' contention that separate acts of mail and wire fraud arising out of a common nucleus of facts cannot be considered separate predicate RICO acts is without merit. This contention has been specifically rejected by the Courts of Appeals of at least two Circuits, for reasons which are clear. First, the plain language of the statute refers to 'any act which is indictable' under the mail or wire fraud statutes, without a qualification that each act must occur in a different factual situation. Second, it would contradict the requirement of a 'pattern of racketeering activity' to hold that the acts making up the pattern must take place in unconnected factual circumstances. It follows that the instant complaint, by alleging violations of both the mail and wire fraud statutes, adequately alleges the two predicate RICO acts required to establish a pattern of racketeering activity.

Summary

Separate acts of mail and wire fraud, even if arising from a common set of facts, can be considered separate predicate acts under RICO. This supports the proposition that multiple predicate acts, such as wire fraud and mail fraud, can establish a pattern of racketeering activity. The court's rejection of the argument that these acts must occur in different factual situations aligns with the proposition's assertion that the identified acts constitute a pattern of racketeering activity.

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

U.S. District Court — Eastern District of Michigan

Extract

As previously stated, a plaintiff must allege that a RICO enterprise engaged in a pattern of racketeering activity, which must consist of 'at least two predicate acts of racketeering activity occurring within a ten-year period.' Moon, 465 F.3d at 723 (citing 18 U.S.C. § 1961(5)). RICO defines 'racketeering activity' to include a multitude of offenses that are either 'chargeable' under certain state criminal laws or 'indictable' under specified federal criminal laws. 18 U.S.C. § 1961(1). Both the mail fraud statute, 18 U.S.C. § 1341, and the wire fraud statute, 18 U.S.C. § 1343, are listed as predicate racketeering offenses under RICO. Id.; see Moon, 465 F.3d at 723.

Summary

The court outlines the requirements for a RICO claim, emphasizing the need for at least two predicate acts of racketeering activity within a ten-year period. The passage specifically mentions mail fraud and wire fraud as predicate offenses under RICO, which aligns with the proposition's mention of these acts. The passage supports the proposition by confirming that these acts can constitute a pattern of racketeering activity as defined by RICO.

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

U.S. District Court — Southern District of Texas

Extract

Under § 1961(1)(B), racketeering activity includes any act which is indictable under a number of federal criminal statutes, including mail fraud and wire fraud. Any act that does not fall within the purview of RICO's definition of predicate offenses is not an act of 'racketeering activity.' ... For mail fraud, it is necessary to show that (1) the defendants formed a scheme or artifice to defraud; (2) the defendants used the United States mails or caused a use of the United States mails in furtherance of the scheme; and

(3) the defendants did so with the specific intent to deceive or defraud. ... A 'pattern of racketeering activity' requires at least two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5). Although at least two acts of racketeering are necessary to constitute a pattern, two acts may not be sufficient. ... The predicate acts must 'amount to or threaten continuing racketeering activity.'

Summary

The passage outlines the requirements for establishing a pattern of racketeering activity under RICO, including the necessity of at least two predicate acts within a ten-year period. It also specifies that these acts must be indictable under federal statutes, such as mail and wire fraud, and must threaten continued criminal activity. This directly supports the proposition by confirming that the alleged acts of mail and wire fraud, if proven, could constitute a pattern of racketeering activity under RICO.

[Banks v. Wolk, 918 F.2d 418 \(3rd Cir. 1990\)](#)

U.S. Court of Appeals — Third Circuit

Extract

The RICO claim was based on allegations that all defendants committed two or more unspecified acts of mail and wire fraud in carrying out the scheme. The district court dismissed the RICO count for failure to allege a 'pattern of racketeering activity,' since the alleged fraudulent scheme 'was a one-time happening without the threat of repetition.' See *H.J. Inc. v. Northwestern Bell Telephone Co.*, --- U.S. ---, 109 S.Ct. 2893, 2901-02, 106 L.Ed.2d 195 (1989) (RICO pattern requires that predicate acts pose threat of continuing criminal activity). ... In *H.J. Inc. v. Northwestern Bell Telephone Co.*, --- U.S. ---, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989), the Supreme Court addressed the standards governing RICO's pattern requirement. The Court stressed that a pattern requires more than the commission of two or more predicate acts. A plaintiff must show also 'that the racketeering acts are related, and that they amount to or pose a threat of continued criminal activity.' *Id.* at ---, 109 S.Ct. at 2900 (emphasis in original).

Summary

Requirement under RICO that a pattern of racketeering activity must involve predicate acts that are related and pose a threat of continued criminal activity. The passage references the Supreme Court's decision in *H.J. Inc. v. Northwestern Bell Telephone Co.*, which clarified that a pattern requires more than just two predicate acts; it requires a threat of ongoing criminal conduct. This supports the proposition that the alleged predicate acts in the complaint, if they involve ongoing or future threats of criminal activity, could constitute a pattern of racketeering activity under RICO.

[U.S. v. Pizzonia, 577 F.3d 455 \(2nd Cir. 2009\)](#)

U.S. Court of Appeals — Second Circuit

Extract

RICO, specifically 18 U.S.C. § 1962(c), makes it a substantive crime '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.' ... This totality-of-the-circumstances approach to identifying a pattern of racketeering is in accord with the rationale underlying RICO's pattern requirement. 'Congress was concerned in RICO with long-term criminal conduct.' *H.J. Inc. v. Nw. Bell Tel. Co.*, 492 U.S. at 242, 109 S.Ct. 2893. RICO's pattern element thus serves to ensure that a defendant's criminal participation in an enterprise is not merely isolated or sporadic, but indicative of the sort of continuity of criminal activity—or the threat of continuity—that is the hallmark of racketeering.

Summary

The RICO statute requires a pattern of racketeering activity, which involves at least two predicate acts that are related and pose a threat of continued criminal activity. The passage emphasizes the importance of continuity and the threat of continuity in establishing a pattern, which aligns with the proposition that the alleged predicate acts in the complaint constitute a pattern of racketeering activity.

[Goren v. New Vision Intern., Inc., 156 F.3d 721 \(7th Cir. 1998\)](#)

U.S. Court of Appeals — Seventh Circuit

Extract

A pattern of racketeering activity consists, at a minimum, of two predicate acts of racketeering committed within a ten-year time period. The predicate acts are violations of a specified list of criminal laws; in this case, Ms. Goren alleges predicate acts of mail and wire fraud. See 18 U.S.C. §§ 1341 & 1343. As we noted earlier, a plaintiff alleging predicate acts of mail and wire fraud must do so with particularity. See Fed.R.Civ.P. 9(b).

Summary

The passage from "*Goren v. New Vision Intern., Inc.*" provides a clear explanation of what constitutes a "pattern of racketeering activity" under RICO. It specifies that at least two predicate acts of racketeering must be committed within a ten-year period, and these acts must be violations of specified criminal laws, such as mail and wire fraud. This directly supports

the proposition that the complaint's identification of multiple predicate acts, including wire fraud and mail fraud, can constitute a pattern of racketeering activity under RICO. The passage also emphasizes the need for particularity in pleading these acts, aligning with the requirements of Federal Rule of Civil Procedure 9(b).

[United HealthCare Corp. v. American Trade Ins. Co., Ltd., 88 F.3d 563 \(8th Cir. 1996\)](#)

U.S. Court of Appeals — Eighth Circuit

Extract

To prevail under RICO, UHC was also required to demonstrate, at a minimum, two predicate offenses listed in 18 U.S.C. § 1961(1)(B); *Atlas Pile*, 886 F.2d at 990. In this case, UHC alleged predicate offenses of mail fraud and wire fraud. Mail and wire fraud are established through proof of: '(1) a scheme to defraud; (2) intent to defraud; (3) reasonable foreseeability that the mails (or wires) would be used; and (4) use of the mails (or wires) in furtherance of the scheme.' ... Although UHC clearly presented sufficient evidence to sustain the jury's finding of predicate offenses, RICO's language specifically requires that a plaintiff establish a 'pattern' of racketeering activity. This language 'implies 'that while two acts are necessary, they may not be sufficient' ' to constitute a pattern of racketeering activity. *H.J. Inc. v. Northwestern Bell Tel.*, 492 U.S. 229, 237, 109 S.Ct. 2893, 2899-2900, 106 L.Ed.2d 195 (1989) (quoting *Sedima*, 473 U.S. at 496 n. 14, 105 S.Ct. at 3285 n. 14). Instead, to prove a pattern of racketeering activity, a plaintiff must show that 'the racketeering predicates are related, and that they amount to or pose a threat of continued criminal activity.'

Summary

Requirements for establishing predicate offenses under RICO, specifically mail and wire fraud, and emphasizes the necessity of demonstrating a "pattern" of racketeering activity. This pattern requires that the predicate acts are related and pose a threat of continued criminal activity, aligning with the proposition's assertion that multiple predicate acts over a period of months can constitute such a pattern.

[U.S. v. Workman, 80 F.3d 688 \(2nd Cir. 1996\)](#)

U.S. Court of Appeals — Second Circuit

Extract

Rodgers also claims that the jury charge on the RICO offense did not make clear to the jury that the two racketeering acts with which he was charged had to be interrelated and had to pose a threat of continued racketeering

activity in order to satisfy RICO's 'pattern' requirement. See 18 U.S.C. §§ 1961(5), 1962(c). We disagree. The jury charge was clear on these points, and complied with our holding in *United States v. Indelicato*, 865 F.2d 1370, 1381 (2d Cir.) (en banc), cert. denied, 493 U.S. 811, 110 S.Ct. 56, 107 L.Ed. 2d 24 (1989).

Summary

The court confirmed the necessity for the predicate acts to be interrelated and to pose a threat of continued criminal activity to satisfy the RICO "pattern" requirement. This aligns with the proposition that the alleged acts in the complaint, such as wire fraud, mail fraud, and obstruction of justice, must be related and pose a threat of ongoing criminal conduct to constitute a pattern of racketeering activity.

[*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. Pp. 237-239... 'Racketeering activity' is defined in RICO to mean 'any act or threat involving' specified state-law crimes, any 'act' indictable under various specified federal statutes, and certain federal 'offenses,' 18 U.S.C. § 1961(1) (1982 ed., Supp. V); but of the term 'pattern' the statute says only that it 'requires at least two acts of racketeering activity' within a 10-year period, 18 U.S.C. § 1961(5).

Summary

The U.S. Supreme Court has clarified that to establish a "pattern of racketeering activity" under RICO, there must be both a relationship and continuity among the predicate acts. The acts must be related and either constitute or threaten long-term criminal activity. The passage also confirms that the statute requires at least two acts of racketeering within a 10-year period. This directly supports the proposition that the alleged predicate acts, such as wire fraud, mail fraud, and obstruction of justice, can constitute a pattern of racketeering activity if they meet these criteria.

[*In re Insurance Brokerage Antitrust Litig.*, 618 F.3d 300 \(3rd Cir. 2010\)](#)

U.S. Court of Appeals — Third Circuit

Extract

According to the RICO statute, a 'pattern of racketeering activity' requires at least two acts of racketeering activity within a ten-year period. 18 U.S.C. § 1961(5). 'These predicate acts of racketeering may include, inter alia, federal mail fraud under 18 U.S.C. § 1341 or federal wire fraud under 18 U.S.C. § 1343.' Lum, 361 F.3d at 223; see 18 U.S.C. § 1961(1) (defining 'racketeering activity').

Summary

The passage explicitly states the requirement of at least two acts of racketeering activity within a ten-year period to establish a pattern of racketeering activity under RICO. It also identifies mail fraud and wire fraud as examples of predicate acts that can constitute racketeering activity. This directly supports the proposition that the complaint's identification of multiple predicate acts, including wire fraud and mail fraud, can establish a pattern of racketeering activity as defined by RICO.

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

Extract

As used in this chapter- 'racketeering activity' means... (B) any act which is indictable under any of the following provisions of title 18, United States Code:... section 1341 (relating to mail fraud), section 1343 (relating to wire fraud),... section 1503 (relating to obstruction of justice),... 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

Summary

The passage from 18 U.S.C. § 1961 provides definitions for "racketeering activity" and "pattern of racketeering activity." It explicitly includes mail fraud, wire fraud, and obstruction of justice as predicate acts of racketeering. It also specifies that a pattern of racketeering activity requires at least two such acts within a 10-year period. This directly supports the proposition that the identified acts in the complaint can constitute a pattern of racketeering activity under RICO.

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

Extract

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

Summary

18 U.S.C. § 1341 defines mail fraud as a federal crime involving schemes to defraud using the postal service or interstate carriers. This statute is relevant to the proposition because it identifies mail fraud as a predicate act under RICO. The passage supports the proposition by establishing that using mail or interstate carriers to execute a fraudulent scheme is a criminal act, which can be considered a predicate act of racketeering under RICO.

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

Extract

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

Summary

The passage from 18 U.S.C. § 1343 outlines the federal crime of wire fraud, which involves transmitting communications in interstate or foreign commerce as part of a scheme to defraud. This directly supports the proposition by identifying wire fraud as a predicate act under RICO, which requires at least two predicate acts of racketeering activity. The passage confirms that wire fraud, when committed as part of a scheme involving interstate communications, can be considered a predicate act under RICO.

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

Extract

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

Summary

18 U.S.C. § 1962 outlines unlawful activities related to racketeering, including acquiring or maintaining control of an enterprise through a pattern of racketeering activity. This supports the proposition by establishing that engaging in a pattern of racketeering activity, which includes predicate acts like wire fraud, mail fraud, and obstruction of justice, is prohibited when it affects interstate commerce. The passage directly relates to the definition and prohibition of such activities under RICO, thereby supporting the claim that the identified predicate acts constitute a pattern of racketeering activity.

[18 U.S.C. § 1512 18 U.S.C. § 1512 Tampering With a Witness, Victim, Or an Informant](#)

Extract

Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to-(A) influence, delay, or prevent the testimony of any person in an official proceeding; (B) cause or induce any person to-(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding; (iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (iv) be absent from an official proceeding to which that person has been summoned by legal process; or (C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings; shall be punished as provided in paragraph.

Summary

18 U.S.C. § 1512 outlines specific actions that constitute obstruction of justice, such as using threats or intimidation to influence or prevent testimony in official proceedings. These actions align with the predicate acts described in the proposition, such as obstructing justice through threats and intimidation. The statute provides a legal basis for considering such actions as part of a pattern of racketeering activity under RICO, as they are related acts that pose a threat of continued criminal activity.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Argust, Corey P. - 2010-03-22

Extract

A RICO offense requires two or more predicate acts of 'racketeering activity.' (31) ... Under [section] 1961(1), the 'racketeering activity' necessary ... C. Pattern RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (48) ... (65.) See *United States v. Pizzonia*, 577 F.3d 455, 465 (2nd Cir. 2009) ('[I]n the end, it is not the number of predicates proved, but, rather 'the relationship they bear' ... that indicates whether they manifest the continuity required to prove a pattern.' (quoting *H.J. Inc.*, 492 U.S. at 238)); *St. Germain v. Howard*, 556 F.3d 261,263 (5th Cir. 2009) (noting that a 'pattern of racketeering activity' must include at least two predicate acts that are both related and pose a threat of continued criminal activity).

Summary

Requirements for a RICO offense, specifically the need for two or more predicate acts of racketeering activity. It emphasizes that these acts must be related and pose a threat of continued criminal activity, which aligns with the proposition's assertion that the alleged acts constitute a pattern of racketeering activity. The passage also references relevant case law that supports the interpretation of these requirements.

[Chapter Five: The Racketeer Influenced and Corrupt Organizations \(RICO\) Statute, 18 U.S.C. §§ 1961-1968](#)

Business Torts Litigation. Fifth Edition - American Bar Association - Robert W. Dibert

Extract

The most commonly charged RICO predicate acts are mail fraud and wire fraud, 18 U.S.C. §§ 1341, 1343. The elements of proof necessary to establish mail or wire fraud predicates are set forth in Section 5.10, *infra*... A pattern of racketeering activity requires at least two acts of racketeering activity within ten years of each other... Those acts must be related to each other, and must also amount to, or pose a threat of, continuing criminal activity.

Summary

The RICO statute requires at least two predicate acts of racketeering within a 10-year period, which must be related and pose a threat of continued criminal activity. The passage specifically mentions mail fraud and wire

fraud as common predicate acts under RICO, which aligns with the proposition that these acts, along with obstruction of justice, can constitute a pattern of racketeering activity.

[RICO - the rejection of an economic motive requirement.](#)

**Journal of Criminal Law and Criminology - Northwestern University,
School of Law - Randolph, Jennifer G. - 1995-03-22**

Extract

The Court rejected a narrow reading of the phrase 'pattern of racketeering activity,' holding that it does not require proof of 'multiple illegal schemes' or that the predicate acts be 'indicative of an organized crime perpetrator.' Instead, the Court settled on a broad meaning for 'pattern of racketeering' that requires a 'plaintiff or prosecutor [merely to] prove [a] continuity of racketeering activity, or its threat, simpliciter.'

Summary

The Supreme Court has interpreted the "pattern of racketeering activity" under RICO broadly. It does not require multiple illegal schemes or that the acts be indicative of organized crime. Instead, it requires continuity of racketeering activity or its threat. This supports the proposition that the alleged predicate acts, such as wire fraud, mail fraud, and obstruction of justice, can constitute a pattern of racketeering activity if they demonstrate continuity or pose a threat of continued criminal activity.

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

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

Extract

The first element of RICO requires two or more predicate acts of 'racketeering activity.'(28) ... Under [sections] 1961(1), the term 'racketeering activity' includes a broad assortment of state and federal crimes. ... wire fraud; mail fraud; ... obstruction of justice; ... (254.) As defined by the statute, 'pattern of racketeering activity' requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity....' 18 U.S.C. [sections] 1961(5) (1998).

Summary

The RICO statute requires at least two predicate acts of racketeering activity, which can include crimes such as wire fraud, mail fraud, and obstruction of justice. These acts must occur within a 10-year period and be related in a way that poses a threat of continued criminal activity. The passage directly supports the proposition by confirming that the alleged acts in the complaint fit the statutory definition of a pattern of racketeering activity.

[Chapter 4. Elements of Cause of Action](#)

Civil RICO: A Definitive Guide. Fifth Edition - American Bar Association - Gregory P. Joseph

Extract

Mail and wire fraud are the two most frequently alleged predicate acts. The mail fraud statute, 18 U.S.C. § 1341, prohibits any person from knowingly causing the use of the mails—or, since 1994, private carrier services like FedEx—for the purpose of executing any 'scheme or artifice to defraud.' The actual violation is the mailing, which must relate to the underlying fraudulent scheme... 'pattern of racketeering activity' requires at least two acts of racketeering activity, . . . the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act... The continuity requirement, according to Sedima, consists of a 'threat of continuing activity.'

Summary

Mail and wire fraud are common predicate acts under RICO. The passage explains that these acts must be part of a scheme to defraud and that a pattern of racketeering activity requires at least two acts within a ten-year period. The continuity requirement involves a threat of ongoing criminal activity, which aligns with the proposition's mention of acts occurring over months and involving interstate communications.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Bourgeois, Richard L., Jr. - 2000-03-22

Extract

The first element of RICO requires two or more predicate acts of 'racketeering activity.'(28) ... The predicate acts may also be acts indictable under federal law, including ... wire fraud; mail fraud; ... obstruction of justice; ... (36.) See *Goren v. New Vision Int'l, Inc.*, 156 F.3d 721, 728-729

(4th Cir. 1998) (holding that a higher standard must be held when the two predicate acts alleged are mail or wire fraud); *Schultz v. Rhode Island Hosp. Trust Nat'l Bank*, 94 F.3d 721, 731 (1st Cir. 1996) (stating 'while two predicate acts are necessary to form a RICO `pattern' they may not be sufficient unless they are both `related' and `amount to or pose a threat of continued criminal activity' (quoting *H.J., Inc.*, 492 U.S. at 239-40)); *United States v. Workman*, 80 F.3d 688, 702 (2d Cir. 1996) (finding RICO 'pattern' where two racketeering acts with which defendant was charged were interrelated and posed threat of continuing racketeering activity); ...

Summary

Requirement of two or more predicate acts of racketeering activity under RICO, which can include wire fraud, mail fraud, and obstruction of justice. It also emphasizes that these acts must be related and pose a threat of continued criminal activity to establish a pattern. This directly supports the proposition that the alleged acts in the complaint could constitute a pattern of racketeering activity as defined by RICO.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Mecone, James Morrison - 2006-03-22

Extract

To prosecute a defendant under RICO, the government must prove that the defendant: (i) through the commission of two or more acts constituting a pattern of racketeering activity; (ii) directly or indirectly invested in, maintained an interest in, or participated in, an enterprise; (iii) the activities of which affected interstate or foreign commerce. ... While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering occurring within ten years of each other, simply proving two acts may not be sufficient to establish a RICO violation. The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated.

Summary

To establish a RICO violation, the government must demonstrate a pattern of racketeering activity, which involves at least two predicate acts that are continuous and interrelated. The passage also highlights the necessity for these acts to affect interstate or foreign commerce, aligning with the proposition's mention of interstate communications and transactions. The requirement for continuity and relationship between acts supports the proposition's claim of a pattern of racketeering activity.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Douglass, Sean M. - 2011-03-22**

Extract

A RICO offense requires two or more predicate acts of 'racketeering activity.' ... Under [section] 1961(1), the 'racketeering activity' necessary to support a RICO offense includes a variety of criminal acts such as mail fraud, wire fraud, and obstruction of justice. ... RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' ... While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering that occur within ten years of each other, ... See *United States v. Pizzonia*, 577 F.3d 455, 465 (2d Cir. 2009) ('[I]n the end, it is not the number of predicates proved, but, rather, 'the relationship they bear' ... that indicates whether they manifest the continuity required to prove a pattern.' (quoting *H.J. Inc.*, 492 U.S. at 238)); *St. Germain v. Howard*, 556 F.3d 261, 263 (5th Cir. 2009) (noting that a 'pattern of racketeering activity' must include at least two predicate acts that are related and pose a threat of continued criminal activity).

Summary

Requirements for a RICO offense, emphasizing the need for at least two predicate acts of racketeering activity, such as mail fraud, wire fraud, and obstruction of justice. It also highlights the necessity for these acts to be related and pose a threat of continued criminal activity, aligning with the statutory definition under 18 U.S.C. § 1961(5). The cited cases further support the interpretation of what constitutes a "pattern of racketeering activity."

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center -
Sacks, Michele - 2005-03-22**

Extract

To prosecute a defendant under RICO, the government must prove that the defendant: (i) through the commission of two or more acts constituting a pattern of racketeering activity; (ii) directly or indirectly invested in, maintained an interest in, or participated in, an enterprise; (iii) the activities of which affected interstate or foreign commerce... RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.'... The Supreme Court has stated that a 'pattern of racketeering' can only be established if the predicate acts are continuous and interrelated... In *H.J. Inc. v. Northwestern Bell Telephone Co.*, the Court held that the government must establish both a relationship between the predicate acts and continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes.

Summary

Requirements for establishing a RICO violation, which include proving a pattern of racketeering activity through at least two predicate acts that are related and continuous. The passage references the Supreme Court's interpretation in *H.J. Inc. v. Northwestern Bell Telephone Co.*, which clarifies the need for both a relationship and continuity between the acts. This directly supports the proposition that the alleged acts in the complaint, such as wire fraud, mail fraud, and obstruction of justice, can constitute a pattern of racketeering activity if they are related and continuous.

[Racketeer influenced and corrupt organizations.](#)

American Criminal Law Review - Georgetown University Law Center - Holt, Michael W. - 2009-03-22

Extract

A RICO offense requires two or more predicate acts of 'racketeering activity.' (31) RICO defendants need not be convicted of each underlying offense before a RICO offense is charged. (32) In fact, offenses of which the defendant has been acquitted nonetheless may serve as the basis of a RICO offense. (33)... RICO applies only where the commission of two predicate acts constitutes a 'pattern of racketeering activity.' (47) While the statutory definition of 'pattern of racketeering activity' requires at least two acts of racketeering that occur within ten years of each other, (48) proof of such acts, without more, may not suffice to establish a RICO violation. (49) There must also be proof that the predicate acts are continuous and interrelated. (50) Thus, 'two isolated acts of racketeering do not constitute a pattern.' (51)... In *H.J. Inc. v. Northwestern Bell Telephone Co.*, (52) the Court held that the government must establish both a relationship between the predicate acts and continuity of those acts to prove a 'pattern of racketeering activity' for RICO purposes. (53)

Summary

Requirements for a RICO offense, emphasizing the need for at least two predicate acts of racketeering within a ten-year period. It also highlights that these acts must be continuous and interrelated, not isolated, to establish a pattern of racketeering activity. The passage references the *H.J. Inc. v. Northwestern Bell Telephone Co.* case, which further clarifies the need for a relationship and continuity between the acts. This directly supports the proposition by confirming that the alleged acts of wire fraud, mail fraud, and obstruction of justice, if related and continuous, can constitute a pattern of racketeering activity under RICO.

[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... To establish a § 1962(c) RICO claim, the following elements must be proven:

- Enterprise: A structured group of individuals associated for a common purpose.
- Pattern of racketeering activity: At least two acts of racketeering, as specified within the statute, within 10 years.

Summary

To establish a RICO claim under § 1962(c), a plaintiff must demonstrate conduct of an enterprise through a pattern of racketeering activity, which includes at least two predicate acts within a 10-year period. The passage specifically mentions mail and wire fraud as predicate acts, which aligns with the proposition that these acts, along with obstruction of justice, can constitute a pattern of racketeering activity. The requirement for these acts to be related and pose a threat of continued criminal activity is implicit in the definition of a "pattern."

[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 a detailed explanation of the "pattern of racketeering activity" requirement under RICO. It highlights the need for criminal acts to be related by purpose, method, or other characteristics and emphasizes the necessity of continuity, either through repeated conduct or conduct that poses a future threat. This directly supports the proposition by explaining how the alleged predicate acts could form a pattern under RICO.

[H. Rept. 104-22 - Criminal Alien Deportation Improvements Act of 1995, 1995-02-06](#)

Congressional Committee Reports

Extract

Section 1961(1) of title 18, United States Code, is amended—(1) by inserting '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), 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)...

Summary

The passage lists various offenses, including mail fraud, wire fraud, and obstruction of justice, as predicate acts under the RICO statute. This directly supports the proposition that these acts can constitute a pattern of racketeering activity. The context of the passage is an amendment to the RICO statute, which is a key tool in combating organized crime, and the scope is broad as it applies to federal law enforcement efforts.

[Blanchard v. Exelis Sys. Corp.](#)

USDOL Administrative Review Board Decisions

Extract

The RICO statute defines 'racketeering activity' to include specified, criminal offences (both federal and state) known in RICO jurisprudence as 'predicates.' A minimum of two predicate offences committed within 10

years of each other are necessary to constitute a 'pattern of racketeering' action in violation of RICO.

Summary

The passage clearly outlines the requirement under RICO for establishing a "pattern of racketeering activity," which includes committing at least two predicate offenses within a 10-year period. This directly supports the proposition by confirming that the alleged acts of wire fraud, mail fraud, and obstruction of justice, if proven, could constitute such a pattern. The context of the passage, discussing the RICO statute, provides a legal basis for the proposition, and the scope indicates that this is a general requirement under RICO, applicable to any relevant case.

[Blanchard v. Exelis Sys. Corporation/Vectrus Sys. Corp.](#)

USDOL Administrative Review Board Decisions

Extract

The RICO statute defines 'racketeering activity' to include specified, criminal offences (both federal and state) known in RICO jurisprudence as 'predicates.' A minimum of two predicate offences committed within 10 years of each other are necessary to constitute a 'pattern of racketeering' action in violation of RICO.

Summary

The RICO statute requires at least two predicate offenses within a 10-year period to establish a "pattern of racketeering activity." This directly supports the proposition that the complaint's identification of multiple predicate acts, such as wire fraud and mail fraud, can constitute a pattern of racketeering activity under RICO.

[RICO: A Primer](#)

Extract

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v.*

Imrex Co., 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: * Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' * Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

Summary

The passage explains that a pattern of racketeering activity under RICO requires at least two predicate acts that are related and pose a threat of continued criminal activity. It specifically mentions mail and wire fraud as common predicate acts, which are relevant to the proposition. The passage also discusses the concept of "continuity plus relationship," which aligns with the requirement that the predicate acts must be related and pose a threat of continued criminal activity. This supports the proposition that the alleged acts in the complaint could constitute a pattern of racketeering activity.

[RICO: A Primer](#)

Extract

The heart of a RICO case is the existence of a pattern of racketeering activity. Under the statute, 'racketeering activity' includes a host of offenses. Section 1961 defines the phrase to include any crime listed in subdivisions A, B, C, D, E, F, or G of section 1961. Among other things, 'racketeering activities' include 'any act which is indictable under' a list of federal criminal statutes. The list covers an expansive range of violations, for example, violations of the Hobbs Act, 18 U.S.C. ' 1951 (extortion); 18 U.S.C. ' 1341 (mail fraud) and 1343 (wire fraud)... Mail and wire fraud are the most common predicate acts... A 'pattern' may exist where any combination of two or more offenses occurred within a period of time. In *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, the Supreme Court held that the RICO pattern element requires more than merely proving two predicate acts of racketeering. Rather, proof of 'continuity plus relationship' is necessary... A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity, which is generally demonstrated by showing either: * Closed-ended continuity. Proving 'a series of related predicate acts extending over a substantial period of time.' * Open-ended continuity. A threat of 'continuing criminal activity extending indefinitely into the future,' in light of the nature of the enterprise and predicate acts alleged.

Summary

The passage explains that a RICO case requires a pattern of racketeering activity, which includes offenses like mail and wire fraud. It also clarifies that a pattern involves more than just two acts; it requires continuity and relationship among the acts. The passage further explains how continuity can be demonstrated through closed-ended or open-ended continuity, which aligns with the proposition's mention of acts occurring over months and posing a threat of continued criminal activity.

[US Supreme Court Permits Foreign Plaintiff To Bring RICO Suit For US Acts To Frustrate Enforcement Of An International Arbitral Award](#)

Extract

In 2020, Smagin brought a civil RICO suit against Smagin and CMB Monaco, alleging that the defendants worked at Yegiazaryan's direction to frustrate Smagin's collection of the District Court's judgment through a pattern of wire fraud and other RICO predicate acts, such as witness tampering and obstruction of justice... The Court then found that Smagin's allegations sufficiently stated a domestic injury for his RICO suit. In finding that 'the circumstances surrounding Smagin's injury make clear it arose in the United States,' the Court noted that much of the racketeering activity that caused Smagin's injury, which Smagin described as his inability to collect his judgment, took place in California.

Summary

The U.S. Supreme Court recognized a pattern of racketeering activity involving wire fraud and obstruction of justice as sufficient to support a RICO claim. The Court's analysis focused on the context-specific inquiry into the nature of the injury and the racketeering activities, which aligns with the proposition's requirement of identifying predicate acts and establishing a pattern of racketeering activity under RICO.

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

Extract

Second, to prove most types of RICO claims, the plaintiff must plead that the defendant committed some qualifying criminal action, the most common of which is mail, wire or securities fraud... Third, the plaintiff must plead a pattern of racketeering activity for most RICO claims. If the alleged conduct occurred once or twice, or was not continuous, it cannot form a pattern of conduct sufficient to support a RICO claim.

Summary

For a RICO claim to be valid, the plaintiff must demonstrate that the defendant engaged in qualifying criminal actions, such as mail or wire fraud, and that these actions form a pattern of racketeering activity. The passage emphasizes the necessity of proving a pattern, which aligns with the proposition's assertion that multiple predicate acts over a period of time can constitute such a pattern under RICO.

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