

## Question

A man named dan branthoover, who has violated protective orders in the past and falsified government records related to school enrollment, assisted morgan michelle myers in securing an unfair advantage in a divorce proceeding in texas. to do this, they first deceived the husband, charles dustin myers, into believing that allowing morgan to visit dan's residence over the weekend of december 15, 2023, was going to be a good move. charles relied on this statement, and allowed it. morgan then transferred the entirety of the joint funds in the marital bank account, amounting to \$1,576, to dan's paypal account, which was later transferred to morgan. she then traveled to his home across state lines, where s he receieved his assistance in preparing false court documents to be submitted back in Texas. She called her grandmother and instigated an eviction attempt at the matrimonial residence, which was later dismissed for lack of jurisdiction. she then filed for divorce, and the false documents contained false claims of violence, false claims of active protective orders, and false claims of indigency, and lead to Charles being removed from the home and divested of custody of his children, and the issues were awarded to the mother. What claims does charles dustin myers have against dan, the mother, and in what venue is proper, federal?

## Answer (U.S. Federal)

### Short response

Charles Dustin Myers may have federal claims against Dan Branthoover and Morgan Michelle Myers under the wire fraud statute ([18 U.S.C. § 1343](#)) and potentially civil RICO ([18 U.S.C. § 1964](#)) based on their interstate scheme involving deception, misappropriation of funds, and submission of false court documents. Federal venue would be proper in districts where either defendant resides or where substantial parts of the events occurred, pursuant to [28 U.S.C. § 1391](#).

### Summary

Based on the facts provided, Charles Dustin Myers likely has several federal claims against Dan Branthoover and Morgan Michelle Myers arising from their coordinated interstate actions. Their scheme involved deception to gain Charles's permission for Morgan's visit to Dan's residence across state lines, the transfer of joint marital funds to Dan's PayPal account, and Dan's assistance in preparing false court documents that were submitted in Texas divorce proceedings. These actions, which involved interstate activity and wire communications, potentially constitute wire fraud under [18 U.S.C. § 1343](#), mail fraud under [18 U.S.C. § 1341](#), and may form the predicate acts for a civil RICO claim under [18 U.S.C. § 1964](#).

Regarding venue, federal jurisdiction appears appropriate given the interstate nature of the scheme and the potential federal claims involved. Under [28 U.S.C. § 1391](#), proper venue would be in a judicial district where either defendant resides, or where a substantial part of the events giving rise to the claim occurred. This could include the district where Dan's residence is located (where the false documents were prepared) or the district in Texas where the divorce proceedings took place and where the fraudulent documents were filed.

## **Background and Relevant Law**

### **Federal Wire Fraud Statute**

The federal wire fraud statute, [18 U.S.C. § 1343](#), establishes criminal liability for individuals who engage in schemes to defraud using interstate wire communications. The statute provides: "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."

The key elements of wire fraud are: (1) a scheme or artifice to defraud or obtain money/property through false pretenses, (2) intent to defraud, and (3) use of interstate wire communications to further the scheme. While [18 U.S.C. § 1343](#) is primarily a criminal statute, it can also serve as a predicate act for civil claims under the Racketeer Influenced and Corrupt Organizations Act (RICO).

### **Mail Fraud Statute**

Similarly, the mail fraud statute, [18 U.S.C. § 1341](#), criminalizes the use of mail or interstate carriers in furtherance of fraudulent schemes. The statute states: "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... shall be fined under this title or imprisoned not more than 20 years, or both."

The elements of mail fraud parallel those of wire fraud, requiring: (1) a scheme to defraud, (2) intent to defraud, and (3) use of mail or interstate carriers in furtherance of the scheme. Like wire fraud, mail fraud can serve as a predicate act for civil RICO claims.

### **Civil RICO**

The Racketeer Influenced and Corrupt Organizations Act provides civil remedies for individuals harmed by racketeering activities. [18 U.S.C. § 1964](#) establishes these civil remedies, stating: "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue

therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..."

To establish a civil RICO claim, a plaintiff must demonstrate: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity (5) causing injury to business or property. "Racketeering activity" is defined to include various crimes, including mail fraud and wire fraud.

Importantly, [18 U.S.C. § 1964](#)(a) grants jurisdiction to federal district courts: "The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders..."

## Federal Venue

Federal venue is governed by [28 U.S.C. § 1391](#), which provides that a civil action may be brought in:

"(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;  
(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or  
(3) 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."

This statute establishes the framework for determining proper venue in federal civil actions, including those involving interstate fraud.

## Analysis of Charles Dustin Myers' Potential Claims

### Potential Wire Fraud Claims

The facts presented suggest that Dan Branthoover and Morgan Michelle Myers may have engaged in activities that constitute wire fraud under [18 U.S.C. § 1343](#). Let's analyze the elements of wire fraud as they apply to this case:

1. **Scheme to Defraud:** The described actions demonstrate a coordinated scheme between Dan and Morgan. They allegedly deceived Charles into allowing Morgan to visit Dan's residence across state lines under false pretenses, transferred joint marital funds without authorization, and prepared false court documents containing fabricated claims regarding violence, protective orders, and indigency.
2. **Intent to Defraud:** The premeditated sequence of events suggests intent. The deception regarding the purpose of Morgan's visit, followed by the immediate transfer of funds and preparation of false documents,

indicates a deliberate plan to defraud Charles of his property (the joint funds) and legal rights (related to his home and custody of his children).

3. **Use of Interstate Wire Communications:** The transfer of funds from the marital bank account to Dan's PayPal account across state lines almost certainly involved electronic wire communications. PayPal transactions inherently utilize interstate electronic communications networks, which would satisfy this element of wire fraud.

The statute specifically targets individuals "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" who use wire communications in interstate commerce to execute such schemes. [18 U.S.C. § 1343](#). Dan and Morgan's apparent coordination to obtain the \$1,576 from the joint account through deception and false representations, using electronic transfers across state lines, aligns with the statute's prohibited conduct.

While [18 U.S.C. § 1343](#) is a criminal statute, Charles could potentially use violations of this statute as predicate acts for a civil RICO claim, which would allow him to seek monetary damages.

## Potential Mail Fraud Claims

Similarly, Dan and Morgan's actions may constitute mail fraud under [18 U.S.C. § 1341](#) if they used the mail or an interstate carrier in furtherance of their scheme. This could include:

1. Mailing the false court documents prepared at Dan's residence back to Texas for filing in the divorce proceedings;
2. Using mail or interstate carriers to communicate about their scheme; or
3. Sending documents related to the attempted eviction of Charles from the matrimonial residence.

The statute applies to anyone who "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" uses the mail or interstate carriers in furtherance of that scheme. [18 U.S.C. § 1341](#).

While the facts don't explicitly confirm the use of mail, it's reasonable to infer that some aspect of their scheme likely involved mail or interstate carriers, particularly given the interstate nature of their activities and the need to file court documents in Texas after they were prepared in another state.

## Potential Civil RICO Claims

Based on the potential wire fraud and mail fraud violations, Charles may have grounds for a civil RICO claim under [18 U.S.C. § 1964](#). Let's examine the elements:

1. **Conduct of an Enterprise:** Dan and Morgan appear to have operated as an informal enterprise or association-in-fact, coordinating their activities toward common objectives. Their coordinated actions—Dan providing a location for Morgan to stay, assisting with document preparation, facilitating fund transfers, and Morgan executing parts of the scheme in Texas—suggest a functioning structure.
2. **Pattern of Racketeering Activity:** To establish a "pattern," Charles would need to demonstrate at least two predicate acts of racketeering activity within a ten-year period. The potential wire fraud (transfer of funds via PayPal) and mail fraud (preparation and submission of false court documents) could serve as these predicate acts. Additionally, the background information regarding Dan's history of violating protective orders and falsifying government records could potentially establish a broader pattern of fraudulent activity, though specific details about these prior incidents would be needed.
3. **Injury to Business or Property:** Charles suffered clear financial injury through the unauthorized transfer of \$1,576 from the joint bank account. Additionally, he suffered injury to his property interests when he was removed from his home and lost custody of his children based on false court documents.

[18 U.S.C. § 1964](#)(c) states that "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..." This would allow Charles to pursue treble damages, making his potential recovery \$4,728 for the misappropriated funds alone, plus damages related to other property interests and attorney's fees.

The statute further empowers federal courts with jurisdiction to "prevent and restrain violations" through various remedies, including "ordering any person to divest himself of any interest, direct or indirect, in any enterprise" and "imposing reasonable restrictions on the future activities or investments of any person." [18 U.S.C. § 1964](#)(a). This could potentially allow Charles to seek injunctive relief against Dan and Morgan's ongoing coordination.

## Proper Venue for Federal Claims

Since Charles has potential federal claims under wire fraud, mail fraud, and civil RICO statutes, federal jurisdiction would be appropriate. The next question is which federal district court would be the proper venue for these claims.

According to [28 U.S.C. § 1391](#), Charles could file his claims in:

1. **A district where any defendant resides:** This would include the district where Dan Branthoover resides (which appears to be in a different state from Texas) and/or where Morgan Michelle Myers resides (presumably Texas). However, this option is available only "if all defendants are residents of the State in which the district is located." Since Dan and Morgan appear to reside in different states, this option may not be available unless Charles chooses to sue only one defendant.
2. **A district where a substantial part of the events occurred:** This presents multiple options:
  - The district containing the Texas court where the divorce proceedings were filed and where the false documents were submitted
  - The district where Dan's residence is located, where Morgan traveled, where they prepared the false documents, and where the funds were transferred to Dan's PayPal account

Given that key elements of the alleged fraud occurred in both locations—the preparation of false documents at Dan's residence and their filing in Texas courts—either district could potentially serve as a proper venue for Charles's claims.

[28 U.S.C. § 1391](#) states that venue is proper in "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." This suggests that Charles has flexibility in choosing between the district where Dan resides (where the interstate scheme was partially executed) and the district in Texas where the divorce proceedings occurred and where Charles suffered the consequences of the fraudulent activities.

## The Interstate Nature of the Scheme

The interstate nature of Dan and Morgan's scheme is a critical factor that supports federal jurisdiction. Their coordination across state lines included:

1. Morgan's travel from Texas to Dan's residence in another state
2. Transfer of joint funds via PayPal across state lines
3. Preparation of false documents in one state for use in Texas courts
4. Communication across state lines to coordinate these activities

These interstate elements are essential for establishing violations of [18 U.S.C. § 1343](#) (wire fraud) and potentially [18 U.S.C. § 1341](#) (mail fraud), as both statutes require the use of interstate communications or carriers in furtherance of a fraudulent scheme.

# Exceptions and Caveats

Several important caveats should be noted regarding Charles's potential claims:

1. **Evidence Requirements:** To successfully pursue these claims, Charles would need evidence that Dan and Morgan knowingly made false representations with the intent to defraud. While the sequence of events strongly suggests coordination and intent, documentary or testimonial evidence of their communications and actions would strengthen his case.
2. **Domestic Relations Exception:** Federal courts traditionally decline to exercise jurisdiction over cases involving domestic relations matters, including divorce proceedings. However, this exception is narrowly construed and typically does not bar federal claims that are truly independent of the divorce proceeding itself. Charles's claims regarding wire fraud, mail fraud, and RICO violations are based on allegedly criminal conduct separate from the divorce determination, potentially allowing federal jurisdiction despite the domestic relations context.
3. **Statute of Limitations:** The statute of limitations for civil RICO claims is typically four years from the discovery of the injury. Since these events occurred in December 2023 and the current date is June 2025, Charles appears to be well within the limitations period.
4. **Proof of Enterprise:** For a successful RICO claim, Charles would need to establish that Dan and Morgan constituted an "enterprise" as defined by the statute. While their coordinated activities suggest an association-in-fact, Charles would need to demonstrate some form of organizational structure and common purpose beyond just the specific fraudulent acts.
5. **Causation:** Charles would need to establish that his injuries were directly caused by the alleged RICO violations. While the financial loss from the bank account transfer is clearly tied to their scheme, establishing that the loss of his home and custody were directly caused by the false documents (rather than other factors the court may have considered) could present challenges.

## Conclusion

Based on the available legal sources and the facts presented, Charles Dustin Myers appears to have potentially viable federal claims against Dan Branthoover and Morgan Michelle Myers. Their alleged actions—involving interstate travel, wire transfers across state lines, preparation of false documents in one state for use in another, and coordination of a scheme to defraud—potentially constitute violations of federal wire fraud and mail fraud statutes, which could serve as predicate acts for a civil RICO claim.



The wire fraud statute ([18 U.S.C. § 1343](#)) specifically targets schemes to defraud that utilize interstate wire communications, which would apply to the PayPal transfers involved in this case. Similarly, if any mail or interstate carriers were used in furtherance of their scheme, the mail fraud statute ([18 U.S.C. § 1341](#)) would be applicable.

These potential violations could form the basis for a civil RICO claim under [18 U.S.C. § 1964](#), which allows individuals injured by racketeering activities to seek treble damages and attorney's fees in federal court. The pattern requirement for RICO could potentially be met by the multiple predicate acts alleged, including the wire transfer of funds, the preparation and submission of false documents, and potentially Dan's prior history of protective order violations and falsification of government records (though more details on these prior acts would be needed).

Regarding venue, [28 U.S.C. § 1391](#) provides that Charles could file his federal claims either in the district where a substantial part of the events occurred (which could be either the district where Dan's residence is located or the district in Texas where the divorce proceedings took place) or potentially in a district where either defendant resides, subject to certain restrictions.

In summary, Charles Dustin Myers has potentially strong federal claims against Dan Branthoover and Morgan Michelle Myers based on their interstate scheme involving deception, misappropriation of funds, and submission of false court documents. Federal venue would be proper in districts where either defendant resides or where substantial parts of the events occurred, pursuant to [28 U.S.C. § 1391](#).

## Legal Authorities

[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

The venue for a civil action can be determined based on where any defendant resides, where a substantial part of the events or omissions giving rise to the claim occurred, or where a substantial part of the property that is the subject of the action is situated. This is applicable to the question as it



helps determine the proper venue for Charles Dustin Myers' potential claims against Dan Branthoover and Morgan Michelle Myers.

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

##### **Extract**

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

##### **Summary**

18 U.S.C. § 1343 addresses schemes to defraud using wire communications in interstate commerce. The actions of Dan and Morgan, as described, involve transferring funds and preparing false documents across state lines, which could potentially fall under this statute if wire communications were used in the process. This statute provides a basis for federal jurisdiction if the fraudulent scheme involved interstate wire communications.

#### [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... shall be fined under this title or imprisoned not more than 20 years, or both.

##### **Summary**

18 U.S.C. § 1341 addresses schemes to defraud or obtain money or property through false pretenses, which is relevant to the actions of Dan and Morgan in the described scenario. The statute provides for criminal penalties, including fines and imprisonment, for such fraudulent activities. The use of interstate carriers or mail in executing the scheme could bring the case under federal jurisdiction.

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

## **Extract**

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons. (c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

## **Summary**

The U.S. district courts have jurisdiction over cases involving violations of section 1962, which includes racketeering activities. If Charles Dustin Myers can demonstrate that Dan and Morgan's actions constitute a pattern of racketeering activity as defined under section 1962, he may have a claim under the Racketeer Influenced and Corrupt Organizations (RICO) Act. This would allow him to file a lawsuit in federal court and potentially recover treble damages and attorney's fees.

This memo was compiled by Vincent AI based on vLex materials available as of June 06, 2025. [View full answer on vLex](#)