

# Question

IV. INTRODUCTION 14. This civil action is brought under the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1962(c) & (d), to redress a concerted and malicious campaign of fraud, coercion, and obstruction perpetrated by Defendants Morgan Michelle Myers (“Myers”) and Daniel Kenneth Branthoover (“Branthoover”) that began on December 14, 2023, and extends to the current day. Operating as a cohesive association-in-fact enterprise, these two individuals meticulously devised and executed an unlawful scheme specifically designed to influence legal proceedings in an effort to divest Plaintiff of his home, which, inter alia, served as his primary place of business. 15. Commencing in December 2023, Defendants engaged in a deliberate and sustained pattern of racketeering activity. This pattern includes, but is not limited to, acts of mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and repeated acts of obstruction of justice, each of which constitutes a statutorily enumerated predicate act under 18 U.S.C. § 1961(1). These illicit acts were not isolated incidents; rather, they formed a continuous and interrelated series of misconduct, demonstrating both a closed-ended and open-ended continuum of criminal activity that poses a clear and present threat of future criminal conduct, thereby satisfying RICO’s continuity requirement, as will be explained in greater detail below. 16. The Defendants’ overarching scheme was bifurcated into two distinct, yet interconnected, phases: (1) the initial objective to unlawfully remove Plaintiff from his home by influencing state court proceedings through the introduction of false information and fraudulent filings; and (2) the subsequent objective to finalize the divorce matter between Plaintiff and Defendant Myers, thereby making the unlawful deprivation of Plaintiff’s property and rights permanent. 17. This scheme consisted of two phases, and began on December 14, 2023, when Defendant Branthoover began text communications with Defendant Myers across state lines. Branthoover acted as Myers’ agent, and specifically invited her to his residence located within this District over the weekend of December 15 under false pretenses, where he helped her conceal marital assets and prepare false paperwork that would later be submitted to Texas courts. 18. The first phase of this scheme achieved its immediate objective on January 16, 2024, when Plaintiff was ordered to vacate his residence by the Texas State Courts. However, the second phase of the scheme has, against all odds and due to Plaintiff’s zealous and persistent litigation efforts in state court, thus far been unable to reach its desired resolution by the Defendants, leading to multiple threats made against Plaintiff showing a risk of future criminal activity. 19. Plaintiff seeks damages from this Honorable Court for the Defendants’ collective and individual actions, specifically under 18 U.S.C. § 1964, which provides for civil remedies for RICO violations. The specific nature and extent of these damages, including treble damages and other equitable remedies, will be outlined in further detail in the subsequent sections of this Complaint. 20. This matter is not a domestic dispute, but rather an action brought to hold Defendants accountable for their actions by seeking redress from damages caused by them. V. STATEMENT OF FACTS 21. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 20 above, as if fully set forth herein. A.

Party References 22. For clarity and ease of reference throughout this Complaint, the parties shall be referred to as follows: i. Plaintiff Charles Dustin Myers shall be referred to herein as "Plaintiff " and is the husband of Morgan Michelle Myers. ii. Defendant Daniel Kenneth Branthoover shall be referred to herein as "Branthoover" and is identified as the stepfather of Defendant Morgan Michelle Myers. iii. Defendant Morgan Michelle Myers shall be referred to herein as "Myers" and is identified as the spouse of Plaintiff Charles Dustin Myers and stepdaughter of Branthoover. 23. At all relevant times, Defendant Myers has not raised any defenses to these claims in State court and has ignored all settlement offers made in an attempt to avoid this lawsuit. 24. At all relevant times, Defendants have maintained communications regarding the affairs of the enterprise's purpose. B. Formation of the Enterprise (December 14 – 15, 2023) 25. Defendant Branthoover has extensive knowledge of protective orders given his prior criminal convictions. 26. On December 14, 2023, Defendant Myers opened a private bank account in her own name and began interstate communications with Branthoover via text message. In total, Myers and Branthoover exchanged a total of 92 text messages between Branthoover's number registered as 940-312-3434, and Myers' number registered as 817-235-5189. 27. Also on December 14, 2023, Defendant Myers, without legitimate cause or factual basis, sought an ex-parte order of protection against Plaintiff while in communications with Branthoover. 28. Later on the evening of December 14, 2023, in a stark contrast to her earlier emergency request for a protective order, Defendant Myers reminded Plaintiff of a school field trip scheduled for the following day, thereby attempting to maintain a facade of normalcy and prevent Plaintiff from suspecting of her fraudulent intentions. C. Deception, Transfer, and Planned Interstate Travel (December 15–17, 2023) 29. On December 15, 2023, Plaintiff was contacted by Branthoover at 9:51 A.M. CST, where he stated "I've been where you are before. I want to help both of you" regarding a recent divorce announcement made by Myers on December 1, 2023. 30. During this phone conversation, it was established that Myers would visit his residence over the weekend of December 15, 2023, located within this district, for the purpose of "providing space" to Myers. 31. At this time, it's important to note that Plaintiff had no knowledge of the ex-parte attempt made the day prior, and he had no reason to believe that Branthoover was being dishonest about his intentions for Myers' visit to his residence. 32. Immediately after the call, Plaintiff received notice that Myers had transferred \$1,576 from the parties' joint-marital PNC account to Branthoover's PayPal account (username "dmb575"), depleting the account's balance. 33. Both defendants admit to this transaction occurring. 34. On December 16, 2023, Plaintiff received notification that the joint marital PNC bank account was overdrawn by -\$800.00. Concurrently, Plaintiff was informed that advertisements related to his legitimate at-home business had ceased running due to a failure of payment. 35. The PNC bank statement for December 2023, which will be presented as Exhibit 10, clearly documents the occurrence of this fraudulent transaction, demonstrating the precise date and amount of the unauthorized withdrawal. 36. The PayPal identifier "dmb575" directly matches the information associated with the fraudulent transfer on Plaintiff's bank statement for December of 2023, linking Defendant Branthoover to the illicit financial maneuver notwithstanding his admission. 37. On December 16, 2023, at precisely 3:54 P.M. Central Standard Time,

Plaintiff, to mitigate the financial damage and resolve the situation amicably, sent a text message to Defendant Branthoover. In this message, Plaintiff explicitly requested the return of the \$1,576.00 that had been fraudulently transferred, detailing the intended use of the funds, the late bills resulting from misappropriation, his inability to work due to the severe mental anguish caused by the Defendants' actions, and his sincere desire for an amicable resolution given the time of year. 38. In a callous and dismissive response to Plaintiff's plea, Defendant Branthoover informed Plaintiff via text message that "You Are Getting Divorced" and further stated, "I hope I can help with the paperwork and make things go as smoothly as possible." This communication, far from helping as initially stated by Branthoover, served as a direct threat and an overt act in furtherance of the conspiracy, demonstrating Branthoover's intent to exploit Plaintiff's distress for the benefit of the enterprise. 39. At no time relevant to this Complaint has Defendant Branthoover possessed a license to practice law in any state within the United States. In subsequent texts, his statements regarding "paperwork" and making things "go as smoothly as possible" constituted the unauthorized practice of law and that he held an administrative role over the affairs of the enterprise. D. Eviction Attempt Influenced by Myers in Furtherance of the Scheme (December 17-22, 2023) 40. On December 17, 2023, at approximately 11:00 A.M., Plaintiff was served with an eviction notice by the grandmother of Myers, which contained the following false information: i. A purported "lease violation," which was entirely fabricated as no valid lease agreement existed between Plaintiff and Wilson; ii. The assertion that "Granddaughter getting divorced," referring to Defendant Myers, as a basis for eviction; iii. The false claim that a "Protective order has been filed." iv. The directive that "He must leave. She and the girls may stay," demonstrating the clear intent to dispossess Plaintiff for the benefit of Myers. 41. Defendant Myers was physically present in Oklahoma with Defendant Branthoover, actively collaborating in the drafting of the very documents referenced in the frivolous eviction notice, thereby demonstrating clear premeditation and coordination of the scheme. 42. Defendant Myers possessed actual knowledge that no valid lease agreement existed, and on December 17, 2023, Myers herself physically tore the fraudulent eviction notice in half and wrote "VOID" on the document in black sharpie, showing her influence over the attempt. E. A Narrative of Protection, Secondary Phone, and Initiation of Suit 43. Defendant Myers also returned from Oklahoma with a can of pepper spray made to further the narrative of protection first established on December 14, 2023, in her ex-parte attempt. 44. On the evening of December 17, 2023, Defendant Morgan Michelle Myers explicitly disclosed to Plaintiff Charles Dustin Myers that she had acquired a secondary phone number while in Oklahoma, registered under the number 817-940-0852. This acquisition was a deliberate act of concealment and an overt act in furtherance of the enterprise, designed to facilitate clandestine communications related to the fraudulent scheme. 45. This newly acquired phone number (817-940-0852) was subsequently used on a series of fraudulent legal documents prepared under the direct administrative oversight of Defendant Branthoover, with his full knowledge and participation. These documents, which were prepared in Oklahoma and designed to unlawfully influence legal proceedings in Texas, included: i. An "Original Petition for Divorce," dated December 18, 2023, which contained numerous false statements. ii. An "Affidavit of Indigency," dated December

18, 2023, which contained material misrepresentations regarding Defendant Myers' financial status. iii. A "Request for Uncontested Cases," dated December 18, 2023, which was filed despite Plaintiff not conversing with defendant Myers regarding any divorce litigation. iv. An "Application for Protective Order," dated December 22, 2023, which was based on fabricated allegations of family violence. F. Continued Obstruction and Unauthorized Practice of Law 46. After the initial divorce paperwork was filed on December 18, 2023, Defendant Branthoover, continuing his unauthorized practice of law and his role in the conspiracy, sent a text message to Plaintiff stating: "Charlie, it's come to my understanding you have retained an attorney. I'm sure he has told you that all further communication should take place between attorneys. I must formally ask you refrain from discussing details of this case with my client moving forward and only communicate with me or your attorney." (emphasis added) This communication was a deliberate attempt to isolate Plaintiff from direct communication with Myers and to control the flow of information, thereby hindering Plaintiff's ability to uncover the full extent of the fraudulent scheme. This communication also evidences that Branthoover's role went beyond helping Myers prepare the documents by seeing them through to their submission and asserted an administrative role over the proceedings in an attempt to intimidate Plaintiff. G. Service by US Marshall 47. In furtherance of the scheme, and despite still cohabitating with Plaintiff, defendant Myers knowingly and intentionally utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, thereby using an instrumentality of interstate commerce to further the illicit enterprise, which occurred on December 27, 2023. 48. In furtherance of the scheme, and despite living next-door to Plaintiff, defendant Myers knowingly and intentionally influenced an eviction proceeding and utilized the United States Marshall Service to effectuate service of the misleading documents on Plaintiff, which occurred on December 28, 2023. H. False Statements - Divorce Petition and Affidavit of Indigency (Dec. 18, 2023) 49. When reviewing the documents prepared in part by Branthoover and filed with the court by Myers, there existed several false statements and were intended to deceive the court and prejudice Plaintiff in furtherance of the scheme to dispose him of his property interests. Specifically, these false statements included, but were not limited to: i. The assertion that the spouses had ceased living together on December 1, 2023, when in fact they were still residing together at the marital home on that date and for several weeks thereafter. ii. The claim that Defendant Myers owned both family vehicles as her separate property prior to the marriage, which was demonstrably false as these vehicles were acquired during the marriage and constituted community property, paid for by Plaintiff. iii. The representation that Defendant Myers had an active order of protection against Plaintiff with a judicial finding that family violence had occurred during the marriage, which was fabricated and without any basis in fact or law. iv. The assertion that the children or Defendant Myers would be subjected to harassment or abuse if Plaintiff were provided with her second phone number (817-940-0852) acquired in Oklahoma, which was a baseless and manipulative claim designed to conceal her communications related to the fraudulent scheme. 50. Concurrently with the fraudulent divorce petition, Defendant Myers, again with the administrative oversight and full knowledge of Defendant Branthoover, filed a fraudulent "Affidavit of Indigency" with the court. This

affidavit contained material misrepresentations regarding Defendant Myers' financial status, all of which were known to be false at the time of filing and were intended to defraud the court and avoid legitimate court costs.

Specifically, these false statements included, but were not limited to: i. The claim that Defendant Myers was financially indigent and unable to pay court costs, despite her access to and control over substantial marital assets. ii.

The representation that Defendant Myers was solely responsible for all family living expenses, including rent, utilities, food, and other living expenses, when in fact, Plaintiff was the primary breadwinner of the household at that time. iii. The assertion that Defendant Myers was solely responsible for both car payments, which she has no payment history to support such a claim. I. False Statements - Application for Protective Order (Dec. 22, 2023) 51. Defendant was served with an Application for a

Protective Order on December 22, 2023, filed by Myers, despite her claim to already have an existing order in her Original Petition for Divorce. 52. Upon review, defendant Myers made additional false statements within the sworn document, all intended to further deceive the court and secure an unwarranted protective order against Plaintiff to effectuate the enterprises' goal of divesting him of his property interests. These false statements included, but were not limited to: i. The claim that family violence occurred

on December 18, 2023, in the presence of the children, which was entirely false and fabricated. ii. The assertion that family violence occurred prior to December 18, 2023, which was also false and without any factual basis. iii.

The request that Plaintiff take a battering intervention program. J. A Clear Objective 53. The common and overarching objectives shared among Defendant Myers when reviewing these documents (through the administration and direction of Defendant Branthoover) and with the active participation of Myers' grandmother, were multifaceted: primarily, to unlawfully remove Plaintiff from his residence, which was essential for his livelihood and the family's financial well-being; secondarily, to gain an unfair and illicit advantage in the ongoing divorce proceedings between Plaintiff and Defendant Myers; and ultimately, to finalize the divorce on terms unilaterally favorable to Defendant Myers, thereby making the unlawful deprivation of Plaintiff's rights and property permanent and to escape accountability for the conduct alleged herein. K. Primary Objective Success 54. On January 16, 2024, the parties appeared before the 322nd District Court of Tarrant County, and the initial objective of the Defendants' scheme succeeded when Plaintiff was ordered to vacate the family home without any findings or without a hearing taking place. 55. The significance of the misinformation presented to the court could have been the only reason for this decision, and it afforded Myers the advantage that she and Branthoover had anticipated. K. Pattern of Racketeering Activity and Continuity 56.

Between January 16, 2024, and the present day, Defendants Myers and Branthoover have continued to further their racketeering activity through a series of ongoing illicit acts, demonstrating a clear pattern of continuity and relatedness. These acts include, but are not limited to: i. Myers and Branthoover continuing to engage in illicit communications regarding case details between one another across state lines, specifically between Texas and Oklahoma, in direct furtherance of their fraudulent scheme to see the divorce through to its' finalization. ii. Branthoover delivering ongoing threats and intimidation to Plaintiff regarding his legitimate attempts to seek legal relief from the orders that were a product of the Defendants'

actions, which occurred in December of 2023, June of 2024, December of 2024, and May of 2025. iii. Making direct statements such as “I’ve been enjoying watching every filing get denied” by Branthoover, showing the malicious intent behind his involvement. 57. On June 23, 2024, Defendant Branthoover, continuing his pattern of harassment and intimidation, sent a text message to Plaintiff stating, “Lol. And here comes another denial,” in direct reference to a pleading filed in the Texas State courts by Plaintiff seeking to enjoin Branthoover as a party to the divorce proceedings. This communication demonstrates Branthoover’s awareness of and continued involvement in the legal proceedings and his malicious intent to mock Plaintiff’s efforts to seek justice. 58. On December 12, 2024, Defendant Branthoover sent a text message to Plaintiff explicitly threatening future action by stating, “When things all over you get to deal with me. Just a heads up.” This communication constitutes a direct threat of future harm and further evidence of the Defendants’ future threat of criminal activity. 59. On May 24, 2025, Defendant Branthoover sent a text message to Plaintiff containing a direct and severe threat, stating, “Where’s my lawsuit? Heard your vm about me. File it. Let’s do this :)” This malicious communication is a clear act of intimidation and further evidence of the Defendants’ collaboration throughout the proceedings with Defendant Myers. obstruction of justice only applies to federal proceedings, but these are state proceedings. is there any way that obstruction of justice can apply here maybe in a different provision?

## **Answer (U.S. Federal)**

### **Short response**

Obstruction of justice in state proceedings can constitute a RICO predicate act under [18 U.S.C. § 1961](#)(1)(B) through 18 U.S.C. § 1511, which specifically addresses obstruction of state or local law enforcement, or through other enumerated provisions like witness tampering ([18 U.S.C. § 1512](#)) if the conduct affects interstate commerce.

### **Summary**

When analyzing whether obstruction of justice in state proceedings can serve as a predicate act for a RICO claim, a careful examination of [18 U.S.C. § 1961](#)(1) reveals several possible pathways. The statute explicitly includes "section 1511 (relating to the obstruction of State or local law enforcement)" as a predicate act, providing a direct connection between RICO and obstruction at the state level. Additionally, other enumerated provisions such as mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), witness tampering ([18 U.S.C. § 1512](#)), and retaliating against witnesses (18 U.S.C. § 1513) could potentially apply if interstate communications or commerce were involved in the obstructive conduct.

The specific factual allegations in this case—including interstate text communications between defendants in Texas and Oklahoma, the preparation of false legal documents across state lines, fraudulent financial

transfers, and the use of the U.S. Marshal Service to effectuate service—provide multiple grounds for establishing RICO predicate acts. The pattern of alleged behavior appears to satisfy both closed-ended continuity (extending from December 2023 through May 2025) and open-ended continuity (with explicit threats of future harmful conduct). For the RICO claim to succeed, the plaintiff must demonstrate that the defendants' obstructive activities in state court were part of a broader racketeering scheme with the requisite continuity, enterprise structure, and impact on interstate commerce.

## Background and Relevant Law

### Statutory Framework for RICO Claims

The [Racketeer Influenced and Corrupt Organizations](#) Act (RICO) provides both criminal penalties and civil remedies against individuals who engage in certain patterns of racketeering activity or the collection of unlawful debt. The statute allows private individuals to sue for injuries to their business or property caused by violations of the act's provisions.

Under [18 U.S.C. § 1962](#)(c), it is unlawful for "any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt." [18 U.S.C. § 1962](#)(c) (2025). Additionally, [18 U.S.C. § 1962](#)(d) prohibits conspiring to violate subsection (c).

For civil RICO claims, [18 U.S.C. § 1964](#)(c) provides that "[a]ny person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..." [18 U.S.C. § 1964](#)(c) (2025).

Central to any RICO claim is establishing a "pattern of racketeering activity," which requires proving at least two acts of "racketeering activity" as defined in [18 U.S.C. § 1961](#)(1). This definition encompasses various federal and state crimes, including:

"As used in this chapter- ... 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)..." [18 U.S.C. § 1961](#)(1)(B) (2025).

Notably, the explicit inclusion of "section 1511 (relating to the obstruction of State or local law enforcement)" in the definition of racketeering activity directly addresses the question of whether obstruction of justice in state proceedings can serve as a predicate act under RICO.



## **Requirements for Obstruction of Justice as a RICO Predicate**

For an offense to qualify as obstruction of justice under RICO, it must involve "the affirmative and intentional attempt, with specific intent, to interfere with the process of justice." [In re Cordero-Garcia, 27 I&N Dec. 652 \(2019\)](#) ("We subsequently clarified our prior precedents interpreting section 101(a)(S) of the Act and held that an offense relating to obstruction of justice must have as an element 'the affirmative and intentional attempt, with specific intent, to interfere with the process of justice.'").

Importantly, this administrative decision also clarified that "the existence of [an ongoing criminal investigation or trial] is not an essential element of 'an offense relating to obstruction of justice.'" [In re Cordero-Garcia, 27 I&N Dec. 652 \(2019\)](#). This interpretation broadens the potential application of obstruction of justice as a predicate act.

Additionally, [18 U.S.C. § 1512](#), which relates to tampering with witnesses, victims, or informants, provides that:

"Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to- influence, delay, or prevent the testimony of any person in an official proceeding; cause or induce any person to- (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C) 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 (D) be absent from an official proceeding to which such person has been summoned by legal process... shall be fined under this title or imprisoned not more than 20 years, or both." [18 U.S.C. § 1512 \(2025\)](#).

This provision could potentially apply to actions taken to impede state court proceedings if they involve interstate elements.

## **Requirements for Establishing a Pattern of Racketeering Activity**

To establish a pattern of racketeering activity under RICO, a plaintiff must demonstrate both "relatedness" of the predicate acts and "continuity" of the criminal activity.

Continuity can be established through either:

1. "Closed-ended continuity" - Proving "a series of related predicate acts extending over a substantial period of time."
2. "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.



RICO: A Primer (2022) ("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.").

## **Territorial Application of RICO**

While RICO's application is primarily territorial, it can encompass conduct that occurs within the United States, even if it involves entities or individuals from different states. As explained in [Santos v. Delta Airlines, Inc.](#) (2013):

"In contrast, the district court in *Chevron Corp.* took a different approach when considering a RICO claim that involved a scheme formulated predominantly by Americans to extort funds from Chevron Corp. (a U.S. Company) through 'a pattern of racketeering activity that included acts in the United States by Americans as well as acts in Ecuador by both Americans and Ecuadorians.'... After finding that RICO applies only to territorial claims, the court moved on to the second step of the Morrison test. The court first paused to explain that limiting RICO's reach to 'purely domestic enterprises' is not a workable approach because 'foreign enterprises have been at the heart of precisely the sort of activities—committed in the United States—that were exactly what Congress enacted RICO to eradicate.'"

This interpretation supports the application of RICO to activities that occur across state lines, such as between Texas and Oklahoma in the present case.

## **Venue for RICO Prosecutions**

For offenses that span multiple districts, [18 U.S.C. § 3237](#) provides:

"Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed. Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves." [18 U.S.C. § 3237](#) (2025).

This provision supports jurisdiction for RICO cases involving interstate activities, such as the cross-state communications and actions alleged in the present case.

# Analysis

## Application of Obstruction of Justice Provisions to State Proceedings

The central question is whether obstruction of justice in state proceedings can serve as a predicate act for a RICO claim. Based on the statutory framework, there are several viable pathways for such an application:

- 1. Section 1511 - Obstruction of State or Local Law Enforcement:**  
[18 U.S.C. § 1961](#)(1)(B) explicitly includes "section 1511 (relating to the obstruction of State or local law enforcement)" as a predicate act. This direct reference to obstruction at the state level provides the clearest path for considering state-level obstruction as a RICO predicate act.
- 2. Mail Fraud and Wire Fraud:**  
The facts indicate that the defendants used interstate communications (92 text messages between Texas and Oklahoma) and potentially mail services (through the U.S. Marshal Service for document service) in furtherance of their scheme. These activities could constitute mail fraud (18 U.S.C. § 1341) or wire fraud (18 U.S.C. § 1343), both of which are enumerated predicate acts under RICO.
- 3. Witness Tampering and Intimidation:**  
The allegations include multiple instances of threatening messages from Branthoover to the plaintiff, such as "When things all over you get to deal with me. Just a heads up." These communications could potentially qualify as witness intimidation or tampering under [18 U.S.C. § 1512](#), which is also an enumerated RICO predicate.
- 4. Interstate Nature of the Enterprise:**  
The fact that the activities took place across state lines (Texas and Oklahoma) with document preparation in one state for filing in another brings the conduct within the realm of interstate commerce, a jurisdictional requirement for RICO. As noted in [18 U.S.C. § 3237](#) (2025), offenses involving interstate commerce "may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves."

## Establishing a Pattern of Racketeering Activity

The allegations in the complaint describe numerous acts that could qualify as predicate acts under RICO, occurring from December 2023 through May 2025. These include:

1. Interstate communications to coordinate fraudulent activities
2. Fraudulent transfer of \$1,576 from a joint bank account
3. Preparation and filing of false legal documents
4. Using the U.S. Marshal Service to effectuate service despite cohabitation
5. Multiple threatening communications to intimidate the plaintiff

These alleged activities appear to satisfy the requirement for a pattern of racketeering activity in two ways:

1. **Closed-ended continuity:** The activities extended over a substantial period (December 2023 to May 2025), well beyond the minimum required to establish a pattern.
2. **Open-ended continuity:** The explicit threats in the messages from December 2024 and May 2025 suggest an ongoing threat of criminal activity extending into the future.

As explained in RICO: A Primer (2022), "A plaintiff may demonstrate a pattern by establishment that the predicate acts pose a threat of continued criminal activity," which can be shown through either closed-ended or open-ended continuity. The allegations in this case appear to satisfy both approaches.

## **RICO Application in Divorce Cases**

The application of RICO to divorce proceedings, while uncommon, is not unprecedented. As noted in [Racketeer influenced and corrupt organizations](#) (2007):

"Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment. At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same predicate act, or the commission of more than one predicate act."

The current case appears to satisfy these criteria: (i) the plaintiff alleges injury to his property through loss of his home which also served as his primary place of business, (ii) the defendants allegedly acted as an enterprise to fraudulently influence court proceedings, and (iii) multiple predicate acts are alleged, including mail fraud, wire fraud, and obstruction.

## **Pleading Requirements for RICO Claims**

For a RICO claim to succeed, the plaintiff must plead with specificity the predicate acts that form the pattern of racketeering activity. As highlighted in [Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#):

"Defendants argue, in their respective Motions to Dismiss, that Plaintiff's RICO claim is not plausible because Plaintiff has not pled any predicate acts

of racketeering, has not alleged that Defendants derived income from a pattern of racketeering, has not alleged how Defendants were part of any enterprise that was engaged in interstate commerce, and has not alleged how Plaintiff's alleged injury is related to any specific RICO violation... Predicate acts supporting a civil RICO claim, which are based on allegations of fraud, must meet the pleading requirements of FED. R. CIV. P. 9(b)."

The plaintiff's complaint appears to address these requirements by specifically alleging predicate acts of mail fraud, wire fraud, and obstruction of justice, detailing how the defendants operated as an enterprise, how their activities affected interstate commerce, and how the plaintiff's injuries resulted from the pattern of racketeering activity.

## **Demonstrating Injury and Causation**

For a civil RICO claim, the plaintiff must demonstrate injury to business or property "by reason of" the RICO violation. As explained in [Jones v. Enterprise Rent a Car Co. of Texas, 187 F.Supp.2d 670 \(S.D. Tex. 2002\)](#):

"In previous employee discharge cases, the appellate courts have occasionally hinted at the idea that a plaintiff could recover under § 1964(c) for a loss of employment that was directly caused by a RICO scheme. In Nodine, for example, the plaintiff claimed that he was discharged for refusing to disavow knowledge of his employer's RICO violations, rather than for refusing to cooperate in the alleged scheme. This conduct, according to the plaintiff, amounted to an obstruction of a criminal investigation by bribery under 18 U.S.C. § 1510, also a predicate offense under RICO."

In the present case, the plaintiff alleges direct injury through loss of his residence, which also served as his primary place of business, as a direct result of the defendants' fraudulent scheme. This appears to establish the required causation between the alleged RICO violations and the plaintiff's injuries.

## **Elements of a RICO Conspiracy**

The complaint also alleges a violation of [18 U.S.C. § 1962\(d\)](#), which prohibits conspiracy to violate RICO. As outlined in [Bonton v. Archer Chrysler Plymouth, Inc., 889 F.Supp. 995 \(S.D. Tex. 1995\)](#):

"A conspiracy to violate RICO is comprised of three elements: (1) knowledge by the defendant of the essential nature of the conspiracy; (2) the defendant's objective manifestation of an agreement to participate in the conduct of the affairs of an enterprise; and (3) an overt act, which need not be a crime, in furtherance of the conspiracy."

The allegations in the complaint, including the coordinated interstate communications, the preparation of false documents, and the execution of a two-phase scheme to deprive the plaintiff of his property, appear to satisfy these elements of a RICO conspiracy.

## **Racketeering Injury Requirement**

Some courts have adopted a requirement that plaintiffs in RICO cases must establish a "racketeering injury" that goes beyond the harm caused by the predicate acts themselves. As expressed in [Mitchell Energy Corp. v. Martin, 616 F.Supp. 924 \(S.D. Tex. 1985\)](#):

"RICO was intended not simply to provide additional remedies for already compensable injuries, but rather to provide added remedies and procedures to fight certain specific kinds of organized criminality... The 'by reason of' language, therefore, requires that plaintiffs allege injury caused by an activity which RICO was designed to deter, which, whatever it may be, is different from that caused simply by such predicate acts as are alleged here."

The plaintiff's allegations appear to address this requirement by demonstrating an injury (loss of home and business location) caused by a coordinated scheme of racketeering activity (fraudulent legal filings and interstate coordination) that RICO was designed to deter.

## **Predicate Acts Under RICO**

For an act to qualify as a RICO predicate, it must fall within the specific categories enumerated in [18 U.S.C. § 1961\(1\)](#). As noted in [Heden v. Hill, 937 F.Supp. 1230 \(S.D. Tex. 1996\)](#):

"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.'"

The plaintiff's allegations include multiple acts that fall within the enumerated categories, including mail fraud (18 U.S.C. § 1341), wire fraud (18 U.S.C. § 1343), and obstruction of state law enforcement (18 U.S.C. § 1511).

## **Exceptions and Caveats**

### **Jurisdictional Requirements and Interstate Commerce**

For a RICO claim to succeed, the enterprise must engage in, or its activities must affect, interstate commerce. The interstate communications between Texas and Oklahoma, the preparation of documents in Oklahoma for filing in Texas, and the use of the U.S. Marshal Service to effectuate service appear to satisfy this requirement.

However, if the plaintiff cannot establish that the enterprise's activities affected interstate commerce, the RICO claim could fail on jurisdictional grounds. This is a factual question that would need to be proven with evidence.

## **Pleading Specificity for Fraud-Based Predicates**

As highlighted in [Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#), fraud-based predicate acts must meet the heightened pleading requirements of Federal Rule of Civil Procedure 9(b). The plaintiff will need to plead the alleged mail fraud and wire fraud with particularity, specifying the who, what, when, where, and how of the fraud.

## **Continuity Requirement**

While the alleged activities appear to span a substantial period (December 2023 to May 2025), the court will need to evaluate whether the predicate acts are sufficiently related and continuous to establish a pattern of racketeering activity. If the court finds that the acts are sporadic or isolated, rather than part of a continuous pattern, the RICO claim could fail.

## **Civil RICO in Divorce Context**

As noted in [Racketeer influenced and corrupt organizations](#) (2007), most civil RICO claims in divorce cases have been unsuccessful. Courts may be hesitant to apply RICO to what they perceive as primarily domestic disputes, even if the technical elements of RICO are met. The plaintiff will need to emphasize the broader criminal scheme beyond the divorce itself, focusing on the fraudulent activities and obstruction of justice aspects.

## **Conclusion**

Based on the analysis of relevant statutory provisions and case law, obstruction of justice in state proceedings can serve as a predicate act for a RICO claim under several theories:

1. Section 1511 of Title 18, which relates to obstruction of state or local law enforcement, is explicitly listed as a predicate act under [18 U.S.C. § 1961\(1\)\(B\)](#).
2. Activities that obstruct state proceedings may also constitute mail fraud (18 U.S.C. § 1341) or wire fraud (18 U.S.C. § 1343) if they involve interstate communications or mailings, both of which are enumerated predicate acts under RICO.
3. Witness tampering or intimidation under [18 U.S.C. § 1512](#), which is also an enumerated RICO predicate, may apply if the defendants' behavior involved attempting to influence testimony or participation in proceedings.

The allegations in the complaint—including interstate communications, fraudulent transfers, false legal filings, and threatening messages—appear to establish multiple predicate acts that could support a RICO claim. The pattern of activity from December 2023 through May 2025, with explicit



threats of future harmful conduct, seems to satisfy both closed-ended and open-ended continuity requirements.

For the claim to succeed, however, the plaintiff must overcome several hurdles:

1. Demonstrating that the defendants' activities affected interstate commerce
2. Pleading the fraud-based predicates with particularity
3. Establishing a clear causal link between the RICO violations and the plaintiff's injuries
4. Overcoming potential judicial reluctance to apply RICO in what might be perceived as a domestic dispute

While civil RICO claims in divorce cases have historically faced skepticism, the specific allegations in this case—involving interstate activities, fraudulent conduct, and threats—may provide a stronger foundation than typical divorce-related RICO claims. The plaintiff's emphasis on the commercial aspects of the injury (loss of a home that served as a place of business) and the broader criminal scheme beyond the divorce itself may help distinguish this case from unsuccessful precedents.

In conclusion, obstruction of justice in state proceedings can constitute a RICO predicate act, particularly when it involves interstate elements and is part of a broader pattern of racketeering activity.

## **Legal Authorities**

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

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

### **Extract**

A conspiracy to violate RICO is comprised of three elements: (1) knowledge by the defendant of the essential nature of the conspiracy; (2) the defendant's objective manifestation of an agreement to participate in the conduct of the affairs of an enterprise; and (3) an overt act, which need not be a crime, in furtherance of the conspiracy.

### **Summary**

The passage provides insight into the elements required to establish a conspiracy under RICO, which includes an overt act that need not be a crime. This suggests that even if obstruction of justice in state proceedings is not a crime under federal law, it could still be considered an overt act in furtherance of a RICO conspiracy if it is part of a pattern of racketeering activity. Therefore, while obstruction of justice in state proceedings may not directly apply under federal RICO statutes, it could still be relevant as part of a broader RICO conspiracy claim.



[Jones v. Enterprise Rent a Car Co. of Texas, 187 F.Supp.2d 670 \(S.D. Tex. 2002\)](#)

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

**Extract**

In previous employee discharge cases, the appellate courts have occasionally hinted at the idea that a plaintiff could recover under § 1964(c) for a loss of employment that was directly caused by a RICO scheme. In *Nodine*, for example, the plaintiff claimed that he was discharged for refusing to disavow knowledge of his employer's RICO violations, rather than for refusing to cooperate in the alleged scheme. This conduct, according to the plaintiff, amounted to an obstruction of a criminal investigation by bribery under 18 U.S.C. § 1510, also a predicate offense under RICO. 819 F.2d 347. The First Circuit in that case acknowledged in a footnote that '*Nodine's* allegation of obstruction of a criminal investigation comes closest to satisfying the injury requirement imposed by *Sedima*.' *Id.* at 349 n. 3.

**Summary**

Obstruction of justice can be considered a predicate act under RICO if it is part of a pattern of racketeering activity. The passage discusses a case where obstruction of a criminal investigation by bribery was considered a predicate offense under RICO. This suggests that if the obstruction of justice is part of a broader scheme that affects interstate commerce and involves a pattern of racketeering activity, it could potentially be applicable under 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.'

**Summary**

For an act to be considered racketeering activity under RICO, it must be indictable under specific federal criminal statutes. Obstruction of justice, as it pertains to federal proceedings, is not explicitly listed as a predicate act under RICO unless it falls under one of the enumerated federal statutes. Therefore, if the obstruction of justice in question does not align with these statutes, it may not qualify as racketeering activity under RICO.

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

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

**Extract**

Defendants' next RICO argument concerns the scope of § 1962. Defendants claim that Plaintiffs' Complaint does not satisfy the requirements of showing an injury 'by reason of § 1962.' Specifically, Defendants note that some courts have adopted a requirement that plaintiffs pressing a RICO claim must establish a so-called 'racketeering injury' in order to have a cause of action under the statute. As one court recently explained: RICO was intended not simply to provide additional remedies for already compensable injuries, but rather to provide added remedies and procedures to fight certain specific kinds of organized criminality. The 'by reason of' language, therefore, requires that plaintiffs allege injury caused by an activity which RICO was designed to deter, which, whatever it may be, is different from that caused simply by such predicate acts as are alleged here.

**Summary**

For a RICO claim, it is not enough to simply allege predicate acts like obstruction of justice; the plaintiff must demonstrate that the injury was caused by activities that RICO aims to deter. This suggests that while obstruction of justice in state proceedings might not directly apply under federal RICO provisions, if it can be shown that such acts are part of a broader scheme that RICO is designed to combat, it might still be relevant.

[Xenos Yuen v. Triple B Servs. LLP, CIVIL ACTION NO. H-18-3277 \(S.D. Tex. Jun 08, 2019\)](#)

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

**Extract**

Defendants argue, in their respective Motions to Dismiss, that Plaintiff's RICO claim is not plausible because Plaintiff has not pled any predicate acts of racketeering, has not alleged that Defendants derived income from a pattern of racketeering, has not alleged how Defendants were part of any enterprise that was engaged in interstate commerce, and has not alleged how Plaintiff's alleged injury is related to any specific RICO violation. Plaintiff, in response, argues that he has alleged all of the elements of a RICO claim. The allegations supporting Plaintiff's RICO claim in Plaintiff's live pleading are sparse, and conclusory, at best. As argued by Defendants, there are no facts alleged to support the required pleading elements of a RICO claim. In addition, as is most blatant, there are no facts alleged that would support a plausible predicate act of racketeering. Despite using the words 'fraud' and 'fraudulent,' none of Plaintiff's factual allegations support

a plausible predicate act of racketeering based on any type of fraud, and there are no allegations that come close to meeting the heightened pleading requirements for fraud under FED. R. CIV. P. 9(b). Predicate acts supporting a civil RICO claim, which are based on allegations of fraud, must meet the pleading requirements of FED. R. CIV. P. 9(b).

## **Summary**

For a RICO claim to be plausible, the plaintiff must allege specific predicate acts of racketeering with particularity, especially when those acts are based on fraud. The passage emphasizes the necessity of meeting the heightened pleading requirements under FED. R. CIV. P. 9(b) for fraud-based predicate acts. This suggests that if obstruction of justice is to be considered as a predicate act under RICO, it must be pled with particularity and must be applicable under the specific circumstances of the case.

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

## **Extract**

As used in this chapter- ... 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 acts that are considered "racketeering activity" under the RICO statute, including obstruction of justice (section 1503), obstruction of criminal investigations (section 1510), and obstruction of State or local law enforcement (section 1511). This indicates that obstruction of justice can be considered a predicate act under RICO if it involves obstructing State or local law enforcement, which may apply to the state proceedings mentioned in the question.

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

## **Extract**

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

## Summary

The passage from 18 U.S.C. § 1962(c) indicates that it is unlawful for any person associated with an enterprise engaged in activities affecting interstate or foreign commerce to conduct or participate in the conduct of such enterprise's affairs through a pattern of racketeering activity. This provision could potentially apply to the situation described in the question if the defendants' actions are considered part of a pattern of racketeering activity that affects interstate commerce. The passage does not directly address obstruction of justice, but it provides a framework for considering how the defendants' actions might be part of a broader pattern of racketeering activity under RICO.

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

## Extract

Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...

## Summary

The passage from 18 U.S.C. § 1964 provides civil remedies for violations of section 1962, which includes racketeering activities. While the passage does not directly address obstruction of justice, it does provide a mechanism for individuals injured by racketeering activities to seek damages. This could potentially include activities that obstruct justice if they are part of a broader racketeering scheme. The scope of the material is broad, applying to any violations of section 1962, which could encompass a range of criminal activities, including those that might involve obstruction of justice.

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

## Extract

Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to- influence, delay, or prevent the testimony of any person in an official proceeding; cause or induce any person to- (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C) 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 (D) be absent from an official proceeding to which

such person has been summoned by legal process; or 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 fined under this title or imprisoned not more than 20 years, or both.

## **Summary**

18 U.S.C. § 1512 addresses obstruction of justice in the context of federal proceedings. It includes actions such as intimidation, threats, or corrupt persuasion to influence or prevent testimony or communication in an official proceeding. While the original question pertains to state proceedings, this provision could apply if the actions were intended to affect a federal proceeding or communication with federal law enforcement or judges.

### [18 U.S.C. § 3237 18 U.S.C. § 3237 Offenses Begun In One District and Completed In Another](#)

## **Extract**

Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed. Any offense involving the use of the mails, transportation in interstate or foreign commerce, or the importation of an object or person into the United States is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce, mail matter, or imported object or person moves.

## **Summary**

18 U.S.C. § 3237 addresses offenses that span multiple districts, including those involving the use of mails or interstate commerce. This provision allows for such offenses to be prosecuted in any district where the offense was begun, continued, or completed. This could potentially apply to the case in question if the alleged obstruction of justice involved the use of interstate communications or other elements that cross district lines, thereby making it a continuing offense under federal jurisdiction.

### [Racketeer influenced and corrupt organizations.](#)

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

## **Extract**

Within the field of family law, civil RICO claims have been attempted in divorce cases, (342) but most plaintiffs have been unsuccessful. (343) However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings (344) has twice survived motions for summary judgment. (345)

## **Summary**

Civil RICO claims have been attempted in divorce cases, and while generally unsuccessful, there are instances where they have survived motions for summary judgment. This suggests that if a fraudulent scheme can be demonstrated, particularly one that affects the outcome of divorce proceedings, a civil RICO claim might be viable. This could potentially include acts that might be considered obstruction of justice if they were part of a broader fraudulent scheme.

[Racketeer influenced and corrupt organizations.](#)

**American Criminal Law Review - Georgetown University Law Center - Bagley, Ross - 2007-03-22**

## **Extract**

Within the field of family law, civil RICO claims have been attempted in divorce cases, but most plaintiffs have been unsuccessful. However, a claim by a woman that her ex-husband, along with the other defendants, participated in a fraudulent scheme to conceal the true value of his income during the couple's divorce proceedings has twice survived motions for summary judgment. At least one commentator believes it is possible for a RICO action to be successfully litigated in the area of divorce if it meets the following criteria: (i) the plaintiff must show an injury to business or property because of the divorce proceedings; (ii) the plaintiff must show that the defendant acted as part of an enterprise to further the act of hiding assets to minimize divorce settlements; and (iii) there must be either multiple violations of the same predicate act, or the commission of more than one predicate act.

## **Summary**

Potential for civil RICO claims in divorce cases, specifically when there is a fraudulent scheme to conceal assets. It outlines the criteria needed for a successful RICO action in this context, which includes showing an injury to business or property, the defendant's participation in an enterprise to hide assets, and multiple predicate acts. While the passage does not directly address obstruction of justice, it highlights the use of RICO in divorce cases,

which could potentially include obstruction-related activities if they are part of the fraudulent scheme.

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

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

### **Extract**

RICO's broad definition of racketeering activity and the act's reference to mail and wire fraud as predicate offenses begs the question: Why not RICO? That is, should the plaintiff consider adding a RICO count to an existing state cause of action? Moreover, since an action under RICO arises under federal law, a plaintiff can elect to have access to federal court. Civil RICO is so broad and offers such a potentially broad pathway to pleading of such a claim in light of the inclusion of mail and wire fraud as predicate acts that a plaintiff can take almost any given set of facts and fashion their pleadings and be... RICO's prohibitions may be enforced in both criminal and civil contexts. In the context of a civil action, a plaintiff must be directly injured by reason of the defendant's racketeering activities. Proximate cause, as an aspect of RICO's "by reason of" standard, requires a RICO plaintiff to show that the defendant's racketeering offenses led directly to the plaintiff's injuries.

### **Summary**

Civil RICO claims can be broad and flexible, allowing plaintiffs to incorporate various predicate offenses, such as mail and wire fraud, into their claims. The passage suggests that plaintiffs can use RICO to access federal court and that the statute's broad definition of racketeering activity can encompass a wide range of misconduct. While the passage does not specifically address obstruction of justice in state proceedings, it highlights the potential for using RICO's broad framework to address various forms of misconduct that affect legal proceedings.

### [In re Cordero-Garcia](#)

## **BIA Decisions**

### **Extract**

We subsequently clarified our prior precedents interpreting section 101(a) (S) of the Act and held that an offense relating to obstruction of justice must have as an element 'the affirmative and intentional attempt, with specific intent, to interfere with the process of justice. . . . [T]he existence of [an ongoing criminal investigation or trial] is not an essential element of 'an offense relating to obstruction of justice.'



## Summary

An offense relating to obstruction of justice does not necessarily require an ongoing investigation or proceeding. Instead, it requires an affirmative and intentional attempt to interfere with the process of justice. This broader interpretation could potentially apply to the actions described in the question, even if they occurred in state proceedings rather than federal ones.

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

## USDOL Administrative Review Board Decisions

### Extract

In contrast, the district court in *Chevron Corp.* took a different approach when considering a RICO claim that involved a scheme formulated predominantly by Americans to extort funds from Chevron Corp. (a U.S. Company) through 'a pattern of racketeering activity that included acts in the United States by Americans as well as acts in Ecuador by both Americans and Ecuadorians.' *Chevron Corp.*, 2012 WL 1711521, at \*4. After finding that RICO applies only to territorial claims, the court moved on to the second step of the Morrison test. The court first paused to explain that limiting RICO's reach to 'purely domestic enterprises' is not a workable approach because 'foreign enterprises have been at the heart of precisely the sort of activities—committed in the United States—that were exactly what Congress enacted RICO to eradicate.' *Id.* at \*6 (citations omitted).

## Summary

RICO's application is primarily territorial, focusing on the pattern of racketeering activity. The passage suggests that RICO can apply to activities that occur within the United States, even if they involve foreign enterprises, as long as the pattern of racketeering activity is domestic. This implies that obstruction of justice, as a predicate act under RICO, could potentially apply if the pattern of racketeering activity, including obstruction, occurs within the U.S. and affects domestic enterprises or proceedings.

[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... 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 can include various offenses as defined in Section 1961. While obstruction of justice is typically associated with federal proceedings, the RICO statute allows for a broad interpretation of racketeering activity, which can include acts that affect interstate commerce. The passage also highlights the importance of demonstrating continuity and the threat of ongoing criminal activity, which can be relevant in establishing a RICO claim even if the underlying acts occur in state proceedings.

### [RICO: A Primer](#)

## **Extract**

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 continuity requirement under RICO can be satisfied by demonstrating either closed-ended or open-ended continuity. This involves showing a series of related predicate acts over a substantial period or a threat of continuing criminal activity. While the passage does not directly address obstruction of justice in state proceedings, it provides insight into how a pattern of racketeering activity can be established, which may include acts that influence legal proceedings.

### [SCOTUS Resolves Circuit Split On How To Assess Domestic Injury Under RICO](#)

## **Extract**

Smagin alleged that the defendants, led by Yegiazaryan, impeded Smagin's collection of the California Judgment 'through a pattern of wire fraud and other RICO predicate racketeering acts, including witness tampering and obstruction of justice.'

## Summary

Obstruction of justice can be considered a RICO predicate act when it is part of a pattern of racketeering activity. This suggests that even if the primary proceedings are state-level, if the obstruction is part of a broader scheme involving other RICO predicate acts, it may still be actionable under RICO.

This memo was compiled by Vincent AI based on vLex materials available as of June 19, 2025. [View full answer on vLex](#)