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## RICO

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## RICO

*Pitts v. Turner & Boisseau, Chartered*, 850 F.2d 650

Plaintiff appeals the dismissal of his claims contending that defendants knowingly conspired to breach the fiduciary relationship between himself and defendant law firm (Turner), thus violating his civil rights under 42 U.S.C. § § 1983 and 1985(2), as well as the Racketeering Influence and Corrupt Organizations Act (18 U.S.C. §§ 1961-1968 (RICO)). The Tenth Circuit Court (viewing the amended complaint in its most favorable light) held that (1) in alleging only one scheme to defraud, plaintiff failed to meet the “continuity requirement” (threat of ongoing activity) thus failing to properly plead a “pattern of racketeering” under RICO; and (2) plaintiff failed to allege how defendants either conspired to keep him from testifying, injured his person or property thereby (under 42 U.S.C. § 1985(2)), or violated his constitutional rights while acting under the color of state law (in violation of 42 U.S.C. § 1983). Since there was no federal diversity jurisdiction, the pendant state claim was also properly dismissed. The district court’s decision was therefore upheld.

