

Curtis v. Kunz-Freed

Decided Jun 6, 2018

No. 17-20360

06-06-2018

CANDACE LOUISE CURTIS; RIK WAYNE MUNSON, Plaintiffs - Appellants v. CANDACE KUNZ-FREED; ALBERT VACEK, JR.; BERNARD LYLE MATTHEWS, III; NEAL SPIELMAN; BRADLEY FEATHERSTON; STEPHEN A. MENDEL; DARLENE PAYNE SMITH; JASON OSTROM; GREGORY LESTER; JILL WILLARD YOUNG; CHRISTINE RIDDLE BUTTS; CLARINDA COMSTOCK; TONI BIAMONTE; BOBBIE BAYLESS; ANITA BRUNSTING; AMY BRUNSTING; DOES 1-99, Defendants - Appellees

PER CURIAM

Appeal from the United States District Court for the Southern District of Texas
USDC No. 4:16-CV-1969 Before HIGGINBOTHAM, DENNIS, and COSTA, Circuit Judges. PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4. -----

Candace Louis Curtis and Rik Wayne Munson sued more than fifteen individuals - the judges, attorneys, court officials, and parties from a probate proceeding in Harris County - alleging
2 that the defendants collectively *2 violated RICO,

committed common law fraud, and breached their fiduciary duties. Plaintiffs contend that defendants are part of the "Harris County Tomb Raiders a.k.a Probate Mafia," which it alleges is a secret society of probate practitioners, court personnel, probate judges, and other elected officials who are running a "criminal theft enterprise" and "organized criminal consortium," designed to "judicially kidnap and rob the elderly" and other heirs and beneficiaries of their "familial relations and inheritance expectations." The district court dismissed all claims based on a number of often overlapping grounds: (1) judicial immunity, (2) attorney immunity, (3) failure to state a claim, and (4) the court's inherent power to dismiss frivolous complaints.

We review de novo a district court's dismissal under Rule 12(b)(6). *Chhim v. Univ. of Tex. at Austin*, 836 F.3d 467, 469 (5th Cir. 2016). Plaintiffs' appeal focuses on the dismissal of their RICO claim. They set forth the elements of that offense and attempt to address each one. But the factual allegations they use to support those elements are mostly, as the district court put it, "fantastical" and often nonsensical. We agree with the district court that the allegations are frivolous and certainly do not rise to the level of plausibility that the law requires.

AFFIRMED.
