

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

June 28, 2018

Mr. David J. Bradley  
Southern District of Texas, Houston  
United States District Court  
515 Rusk Street  
Room 5300  
Houston, TX 77002

No. 17-20360 Candace Curtis, et al v. Candace Kunz-Freed,  
et al  
USDC No. 4:16-CV-1969

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Enclosed for the district court and counsel is the approved bill of costs.

Sincerely,

LYLE W. CAYCE, Clerk

*Sabrina B. Short*

By: \_\_\_\_\_  
Sabrina B. Short, Deputy Clerk  
504-310-7817

cc w/encl:

- Mr. Barry Abrams
- Mr. Bobbie G. Bayless
- Ms. Amy Brunsting
- Ms. Anita Brunsting
- Ms. Candace Louise Curtis
- Mr. Adraon DelJohn Greene
- Mr. Robert Stanford Harrell
- Mrs. Laura Beckman Hedge
- Mr. Joshua A. Huber
- Mr. Andrew Johnson
- Ms. Stacy Lynn Kelly
- Mr. Bernard Lilse Mathews III

Mr. Rik Wayne Munson  
Mr. Jason Bradley Ostrom  
Mr. Eron Floyd Reid  
Mr. Rafe A. Schaefer  
Mr. Martin Samuel Schexnayder  
Mr. Keith Adams Toler  
Ms. Kelsi M. Wade

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

No. 17-20360

D.C. Docket No. 4:16-CV-1969

United States Court of Appeals  
Fifth Circuit

**FILED**

June 6, 2018

Lyle W. Cayce  
Clerk

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

Appeal from the United States District Court for the  
Southern District of Texas

Before HIGGINBOTHAM, DENNIS, and COSTA, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the judgment of the District Court is affirmed.

IT IS FURTHER ORDERED that plaintiffs-appellants pay to defendants-appellees the costs on appeal to be taxed by the Clerk of this Court.



Certified as a true copy and issued  
as the mandate on Jun 28, 2018

Attest: *Lyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 17-20360  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit  
**FILED**  
June 6, 2018  
Lyle W. Cayce  
Clerk

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

\_\_\_\_\_  
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:\*

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 that the defendants collectively

\_\_\_\_\_  
\* 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.

No. 17-20360

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.

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

**BILL OF COSTS**

**NOTE: The Bill of Costs is due in this office *within 14 days from the date of the opinion, See FED. R. APP. P. & 5<sup>TH</sup> CIR. R. 39.* Untimely bills of costs must be accompanied by a separate motion to file out of time, which the court may deny.**

Candace Louise Curtis; Rik Wayne Munson v. Candace Kunz-Freed, et al. No. 17-20360


The Clerk is requested to tax the following costs against: Candace Louise Curtis; Rik Wayne Munson

COSTS TAXABLE UNDER Fed. R. App. P. & 5 <sup>th</sup> Cir. R. 39	REQUESTED				ALLOWED (If different from amount requested)			
	No. of Copies	Pages Per Copy	Cost per Page*	Total Cost	No. of Documents	Pages per Document	Cost per Page*	Total Cost
Docket Fee (\$500.00)								
Appendix or Record Excerpts								
Appellant's Brief								
Appellee's Brief	7	31	\$0.03	\$6.51	7	31	.03	6.51
Appellant's Reply Brief								
Other:								
<b>Total \$</b> <span style="border: 1px solid black; padding: 2px;">\$6.51</span>					<b>Costs are taxed in the amount of \$</b> <span style="border: 1px solid black; padding: 2px;">6.51</span>			

Costs are hereby taxed in the amount of \$ 6.51 this 28th day of June, 2018.

State of \_\_\_\_\_  
County of \_\_\_\_\_

LYLE W. CAYCE, CLERK

By  Deputy Clerk

I Kelsi M. Wade, do hereby swear under penalty of perjury that the services for which fees have been charged were incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this Bill of Costs was this day mailed to opposing counsel, with postage fully prepaid thereon. This 19th day of June, 2018.

/s/ Kelsi M. Wade  
(Signature)

\*SEE REVERSE SIDE FOR RULES GOVERNING TAXATION OF COSTS

Attorney for Bradley Featherston; Stephen A. Mendel

# GALLOWAY

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Federal Tax I.D. No.: 72-1089568

November 10, 2017

Client: HO0360

Matter: 000001

Invoice #: 361356

RE: Curtis, Candace  
Legal Exchange Matter ID: HO03601  
Claim No. 01717047

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Total Disbursements

\$6.66

November 10, 2017  
Client: HO0360  
Matter: 000001  
Invoice #: 361356

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**DISBURSEMENTS**

<b>Date</b>	<b>Description of Disbursements</b>	<b>Amount</b>
10/11/2017	Photocopies (222 @ \$0.03)	\$6.66
	Total Disbursements	<u>\$6.66</u>