UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Christopher Fountain v. A-Okay Enterprises, LLC, et al.

No. 26-1037-JWB (D. Kan. May 11, 2026) · No. 26-1037-JWB · Decided May 11, 2026

SUMMARY

The United States District Court for the District of Kansas dismissed Christopher Fountain’s complaint for failure to state a claim. The court held that the cited criminal and jurisdictional statutes did not provide private causes of action and that the RICO claim failed for lack of a pattern of racketeering activity and a distinct RICO enterprise. The court declined supplemental jurisdiction over the state-law claims and dismissed them without prejudice.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Broomes
JURISDICTION	United States District Court for the District of Kansas
DECIDED	May 11, 2026
DOCKET	26-1037-JWB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal for failure to state a claim. Although Plaintiff did not file an objection because the mailed report was returned as unclaimed, the district court reviewed the claims on their merits under Rule 12(b)(6) and dismissed the complaint.
STANDARD OF REVIEW	For a dispositive report and recommendation, a district judge must review de novo any portion properly objected to under Federal Rule of Civil Procedure 72(b)(3); absent a proper objection, the court may review the recommendation under any standard it deems appropriate. On a Rule 12(b)(6) motion, the complaint must contain sufficient factual allegations to state a plausible claim for relief. Well-pleaded allegations are accepted as true and construed favorably to the plaintiff, but conclusory allegations are disregarded. Pro se filings are liberally construed, without adding factual allegations or constructing a legal theory for the litigant.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court memorandum and order

PARTIES	Christopher Fountain v. A-Okay Enterprises, LLC, Bruce Harris

TOPICS

motions to dismiss · pleadings · civil procedure · commercial litigation · consumer protection

PRACTICE AREAS

civil procedure · commercial litigation · consumer protection · remedies

QUESTIONS PRESENTED

1. Whether the complaint stated claims under 18 U.S.C. §§ 894, 1956, and 2314–2315.
2. Whether 28 U.S.C. § 1337 independently created a private cause of action.
3. Whether Plaintiff adequately pleaded a civil RICO claim by alleging a pattern of racketeering activity and a RICO enterprise distinct from the RICO person.
4. Whether the court should exercise supplemental jurisdiction over the remaining state-law claims after dismissing all federal claims.
5. What standard of review applied to the unobjected-to report and recommendation.

HOLDINGS

1. When a party fails to properly object to a dispositive report and recommendation, the district court may review the recommendation under any standard it deems appropriate rather than being required to conduct de novo review.
2. 18 U.S.C. §§ 894, 1956, and 2314–2315 do not provide individuals with private civil causes of action, and 28 U.S.C. § 1337 is a jurisdictional statute that does not independently create a cause of action.
3. Plaintiff failed to state a civil RICO claim because he did not allege a pattern of racketeering activity and did not adequately allege a RICO enterprise distinct from the RICO person.
4. After dismissing all federal claims, the court declined to exercise supplemental jurisdiction over Plaintiff's state-law claims and dismissed them without prejudice.

KEY QUOTATIONS

> *"To withstand a motion to dismiss under Rule 12(b)(6), the complaint must contain enough allegations of fact to state a claim for relief that is plausible on its face."* (III)

> *"Because a business entity acting through its agents cannot be both the RICO person and the RICO enterprise, Plaintiff's RICO claim also fails on this basis."* (III)

> *"THEREFORE, Plaintiff's complaint (Doc. 1) is DISMISSED for failure to state a claim. This case is closed."* (IV)

FACTUAL BACKGROUND

Christopher Fountain alleged that A-Okay Enterprises, LLC and its owner, Bruce Harris, acquired more than $20,000 worth of his gold jewelry from a bail bondsman for approximately $4,000 after allegedly devaluing the jewelry. He asserted claims under RICO, several federal criminal statutes, and state law, seeking compensatory, punitive, treble, and other relief. The complaint also included numerous unrelated allegations involving law enforcement, identity theft, road rage, toxic mold, and other asserted misconduct.

PROCEDURAL HISTORY

Plaintiff filed the action on February 12, 2026, asserting federal claims under RICO and several federal criminal and jurisdictional statutes, together with state-law claims. Magistrate Judge Brooks Severson recommended dismissal. The district court found that Plaintiff had not properly objected, independently evaluated the claims, dismissed all federal claims for failure to state a claim, declined supplemental jurisdiction over the state-law claims, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Williams v. United States, No. 19-2476-JAR, 2019 WL 6167514, at *1 (D. Kan. Nov. 20, 2019)
- United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Albers v. Bd. of Cnty. Comm'rs of Jefferson Cnty., Colo., 771 F.3d 697, 700 (10th Cir. 2014)
- Shero v. City of Grove, Okla., 510 F.3d 1196, 1200 (10th Cir. 2007)
- Yang v. Archuleta, 525 F.3d 925, 927 n.1 (10th Cir. 2008)
- Andrews v. Heaton, 483 F.3d 1070, 1076 (10th Cir. 2007)
- Robert L. Kroenlein Trust ex rel. Alden v. Kirchhefer, 764 F.3d 1268, 1274 (10th Cir. 2014)
- Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496 (1985)
- George v. Urban Settlement Servs., 833 F.3d 1242, 1249 (10th Cir. 2016)
- Brannon v. Boatmen's First Nat'l Bank, 153 F.3d 1144, 1146 (10th Cir. 1998)
- Koch v. City of Del City, 660 F.3d 1228, 1248 (10th Cir. 2011)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS CHRISTOPHER FOUNTAIN, Plaintiff, v. Case No. 26-1037-JWB A-OKAY ENTERPRISES, LLC, et al., Defendant. MEMORANDUM AND ORDER This matter is before the court on Magistrate Judge Brooks Severson’s Report and Recommendation (“R&R”) that Plaintiff’s claims be dismissed for failure to state a claim. (Doc.

6.) Plaintiff had fourteen days from service of the R&R to object. According to the tracking number, the mail was never delivered and it was returned to sender as unclaimed. (Doc. 7.) Therefore, despite the lack of an objection, this court will evaluate Plaintiff's claims on the merits.

In so doing, the court finds Plaintiff has failed to state a claim and DISMISSES his complaint. I. Facts The following facts come from Plaintiff's complaint (Doc. 1) and are taken as true. Christopher Fountain ("Plaintiff") alleges that Defendants A-Okay Enterprises, LLC ("A-Okay") and its owner Bruce Harris (collectively "Defendants") deprived him of his property "by deception and other unfair trade practices." (Doc.

1 at 3.) Specifically, Plaintiff contends that Defendants acquired over twenty thousand dollars' worth of his gold jewelry from a bail bondsman for approximately $4,000, having devalued the jewelry to obtain more for less. (Doc. 1-1 at 3.) Plaintiff brings these claims under a collection of federal statutes, including 28 U.S.C § 1337, 18 U.S.C §§ 1961–62 (the Racketeer Influenced and Corrupt Organizations Act ("RICO"); 18 U.S.C §§ 2314–15 (the Interstate Transportation of Stolen Property Act ("Stolen Property Act"); 18 U.S.C § 894 (titled "the collection of extensions and credit by extortionate means"); and 18 U.S.C § 1956 (money laundering), along with a plethora of state law claims including unjust enrichment, conversion, intentional infliction of emotional distress ("IIED"), and fraud.

(Doc. 1 at 3.) As relief, Plaintiff seeks compensation for the full value of his gold jewelry, interest, compensatory damages, punitive damages of one million dollars, treble damages, legal fees, and a permanent injunction prohibiting Defendants from conducting any further business with him. (Id. at 4.) Plaintiff alleges this transaction occurred while he was confined in solitary confinement at the Sedgwick County Jail, where he claims he was starving, receiving no medical attention, and being tortured.

Plaintiff attributes all this to a false arrest by the Wichita, Kansas police, which he acknowledges is the subject of an entirely separate federal lawsuit. (Doc. 1-1 at 3.) Plaintiff's complaint also encompasses, with admirable scope, allegations of road rage by a group of individuals targeting him over a political sign, theft of gold and silver by Wichita police officers during a vehicle search, identity theft perpetrated through the websites Reddit.com and cdlScan.com, toxic mold exposure at a prior trucking job, and a criminal conspiracy between local law enforcement and various unnamed criminals to attack him.

(Id. at 1–2.) He also references a separate lawsuit against an attorney who allegedly coerced him into a plea deal and separately notes that a bail bondsman's female associate informed him she intended to purchase other property using the proceeds from the sale of his jewelry. (Id. at 3.)

The majority of Plaintiff's remaining allegations, much like those just described, bear no discernible connection to the claims asserted against the named Defendants in this action. Based on the foregoing, on February 12, 2026, Plaintiff filed this lawsuit. (Doc. 1.) Two weeks later, Magistrate Judge Brooks Severson entered an R&R recommending dismissal. (Doc.

6.) II. Standard R&R Standard of Review. On a dispositive matter the district judge "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3). Failure to properly object leaves a party with no entitlement to appellate review, and allows the district court to review the R&R under any standard it deems appropriate.

See Williams v. United States, No. 19-2476-JAR, 2019 WL 6167514, at *1 (D. Kan. Nov. 20, 2019) (citing United States v. One Parcel of Real Prop., 73 F.3d 1057, 1060 (10th Cir. 1996)). Rule 12(b)(6) Motion to Dismiss.

To withstand a motion to dismiss under Rule 12(b)(6), the complaint must contain enough allegations of fact to state a claim for relief that is plausible on its face. Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008) (citing Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). At the motion to dismiss stage, the court accepts all well- pleaded allegations in the complaint as true and construes them in the light most favorable to the plaintiff.

Albers v. Bd. Of Cnty. Comm'rs of Jefferson Cnty., Colo., 771 F.3d 697, 700 (10th Cir. 2014). Conclusory allegations, however, have no bearing upon the court's consideration. Shero v. City of Grove, Okla., 510 F.3d 1196, 1200 (10th Cir. 2007). Pro Se Party.

Because Plaintiff proceeds pro se, the court is to liberally construe his filings. Yang v. Archuleta, 525 F.3d 925, 927 n.1 (10th Cir. 2008). However, liberally construing filings does not mean adding factual allegations or constructing a legal theory on his behalf. Id. III. Analysis With the exception of Plaintiff's RICO claim discussed below, Plaintiff asserts claims under four federal criminal statutes and one jurisdictional statute, none of which provides a private civil right of action.

(Doc. 1 at 3.) Specifically, 18 U.S.C. §§ 894, 1956, 2314–2315 are all federal criminal statutes enforced by the Department of Justice that do not provide individuals a private right of action. Andrews v. Heaton, 483 F.3d 1070, 1076 (10th Cir. 2007) ("[C]riminal statutes [ ] do not provide for a private right of action and are thus not enforceable through a civil action.").

In addition, 28 U.S.C. § 1337 is a purely jurisdictional statute that confers federal subject matter jurisdiction over commerce-related claims; it does not independently create any cause of action. Accordingly, Plaintiff fails to state a claim under any of these statutes, and they are dismissed. Plaintiff's remaining federal claim arises under the RICO Act, 18 U.S.C. §§ 1961–62.

(Doc. 1 at 3.) The RICO Act provides a private right of action for individuals who have been harmed by an enterprise that violates the RICO statutes. Robert L. Kroenlein Trust ex rel. Alden v. Kirchhefer, 764 F.3d 1268, 1274 (10th Cir. 2014).

To adequately plead this right of action, a plaintiff must allege: “(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.” Id. (quoting Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479, 496 (1985)). Racketeering activity “include[s] a host of so-called predicate acts,” and Plaintiff must establish “at least two acts of racketeering activity” within a ten-year period to establish a “pattern.” 18 U.S.C. § 1961(5).

Plaintiff’s RICO claim fails on two independent grounds. First, Plaintiff has not alleged a “pattern of racketeering activity.” The complaint identifies a single transaction—Defendants’ acquisition of his jewelry from a bail bondsman—and does not allege that Defendants engaged in at least two predicate acts of racketeering within a ten-year period, as required.

(Doc. 6 at 6.) Second, as correctly pointed out by the magistrate judge, Plaintiff has failed to adequately allege the existence of a RICO “enterprise” distinct from the RICO “person.” (Id. at 7.) Rather than identifying separate entities, Plaintiff’s complaint treats individual Defendant Bruce Harris and business Defendant A-Okay as one and the same, alleging that Harris is part of and associated with A-Okay rather than a person distinct from it.

Because a business entity acting through its agents cannot be both the RICO person and the RICO enterprise, Plaintiff’s RICO claim also fails on this basis. See George v. Urban Settlement Servs., 833 F.3d 1242, 1249 (10th Cir. 2016); Brannon v. Boatmen’s First Nat’l Bank, 153 F.3d 1144, 1146 (10th Cir. 1998).

Accordingly, Plaintiff fails to state a claim under RICO and that claim is dismissed. To the extent Plaintiff brings state law claims for unjust enrichment, conversion, intentional infliction of emotional distress, and fraud, the court declines to exercise supplemental jurisdiction over them. Koch v. City of Del City, 660 F.3d 1228, 1248 (10th Cir. 2011) (“When all federal claims have been dismissed, the court may, and usually should, decline to exercise jurisdiction over any remaining state claims.”).

Plaintiff’s state law claims are therefore dismissed without prejudice. IV. Conclusion THEREFORE, Plaintiff’s complaint (Doc. 1) is DISMISSED for failure to state a claim. This case is closed. IT IS SO ORDERED. Dated this 11th day of May, 2026. _s/ John W. Broomes__________________ JOHN W. BROOMES CHIEF UNITED STATES DISTRICT JUDGE