

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-7038

September Term, 2019

FILED ON: FEBRUARY 21, 2020

REPUBLIC OF KAZAKHSTAN, MINISTRY OF JUSTICE,
APPELLANT

v.

ANATOLIE STATI, ET AL.,
APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:17-cv-02067)

Before: GARLAND, PILLARD, and KATSAS, *Circuit Judges*.

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs and oral arguments of the parties. The Court has afforded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. CIR. R. 36(d). It is

ORDERED AND ADJUDGED that the judgment of the District Court be **AFFIRMED**.

Plaintiff, Republic of Kazakhstan, brought a civil suit against defendants, alleging violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1961 *et seq.*, and the common law torts of fraud and civil conspiracy. Specifically, in its RICO counts, Kazakhstan alleged that the defendants engaged in a pattern of racketeering activity involving mail fraud, wire fraud, and money laundering, *id.* § 1962(c), and conspired to commit those underlying offenses, *id.* § 1962(d). *See id.* §§ 1341, 1343, 1956(a). The District Court granted the defendants' motion to dismiss the RICO counts and declined to exercise supplemental jurisdiction over the state law claims. *See Kazakhstan v. Stati*, 380 F. Supp. 3d 55, 65 (D.D.C. 2019).

For the reasons set out at pages 63-65 of the District Court's opinion, Kazakhstan failed to allege a pattern of racketeering, and thus failed to state a claim for violations of RICO or conspiracy to violate RICO. *See id.* at 63-65. In addition, Kazakhstan argues that the District Court erred in

dismissing its federal claims with prejudice, but forfeited this argument by failing to move to amend the complaint below. *See City of Harper Woods Emps.' Ret. Sys. v. Olver*, 589 F.3d 1292, 1304 (D.C. Cir. 2009). And with the federal claims properly dismissed from the case, the District Court's decision to decline to exercise supplemental jurisdiction over the remaining state law claims was not an abuse of discretion. *See* 28 U.S.C. § 1367(c)(3); *Anderson v. Holder*, 647 F.3d 1165, 1174 (D.C. Cir. 2011).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing *en banc*. *See* FED. R. APP. P. 41(b); D.C. CIR. R. 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk