



Samuel Lipari appeals the district court's<sup>1</sup> orders granting defendants' motions to dismiss his civil Racketeer Influenced and Corrupt Organizations Act (RICO) claims, denying his motion to amend his complaint, and denying his post-judgment request for the district court judge's recusal. Following careful review, we find no basis for reversal. See Charles Brooks Co. v. Georgia-Pacific, LLC, 552 F.3d 718, 721-23 (8th Cir. 2009) (recognizing de novo review of a dismissal and affirming the dismissal of one plaintiff's individual claims because he failed to allege an injury to confer standing); Regions Bank v. J.R. Oil Co., 387 F.3d 721, 728-29 (8th Cir. 2004) (explaining, to have standing to bring a civil RICO claim, plaintiff must have suffered an injury "by reason of" a RICO violation and the showing of an injury requires proof of a concrete financial loss, and not mere injury to a valuable intangible property interest); see also United States ex rel. Joshi v. St. Luke's Hosp., 441 F.3d 552, 555 (8th Cir. 2006) (stating abuse of discretion review for denial of a motion to amend a complaint, but de novo review of the underlying legal conclusion that a proposed amendment to the complaint would have been futile); Hooker v. Story, 159 F.3d 1139, 1140 (8th Cir. 1998) (per curiam) (declaring the abuse of discretion standard of review for recusal motions).

We affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.

**United States Court of Appeals**

***For The Eighth Circuit***

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**Michael E. Gans**  
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December 04, 2009

Mr. Samuel K. Lipari  
803 S. Lake Drive  
Independence, MO 64053

RE: 08-3115 Samuel Lipari v. General Electric Company, et al

Dear Mr. Lipari:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion. The opinion will be released to the public at 10:00 a.m. today. Please hold the opinion in confidence until that time.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. No grace period for mailing is allowed, and the date of the postmark is irrelevant for pro-se-filed petitions. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Michael E. Gans  
Clerk of Court

DMH

Enclosure(s)

cc: Nick Badgerow  
Mr. Michael S Hargens  
Ms. Christine D. Higgins  
Mr. John Power  
Mr. Jeffrey P. Ray  
Ms. Ann Thompson

District Court/Agency Case Number(s): 4:07-cv-00849-FJG