

United States Court of Appeals
For the Eighth Circuit

No. 18-3062

Brian Burmaster

Plaintiff - Appellant

v.

American Psychiatric Association

Defendant - Appellee

Appeal from United States District Court
for the District of Minnesota

Submitted: July 23, 2019

Filed: July 29, 2019

[Unpublished]

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Brian Burmaster appeals the district court's¹ dismissal of his claims under 42 U.S.C. § 1983 and the Racketeer Influenced and Corrupt Organizations Act (RICO),

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Hildy Bowbeer, United States Magistrate Judge for the District of Minnesota.

18 U.S.C. § 1961 et seq., against the American Psychiatric Association. After de novo review, see Montin v. Moore, 846 F.3d 289, 292 (8th Cir. 2017), we conclude that dismissal was proper. Specifically, we agree with the district court that Burmaster’s complaint did not state a claim under Section 1983, see Jones v. United States, 16 F.3d 979, 981 (8th Cir. 1994) (Section 1983 is inapplicable when person acts under color of federal law); under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), see Corr. Servs. Corp. v. Malesko, 534 U.S. 61, 71 (2001) (no right of action under Bivens for damages against private entities acting under color of federal law); or under RICO, see Crest Constr. II, Inc. v. Doe, 660 F.3d 346, 355–58 (8th Cir. 2011) (RICO claim was properly dismissed where plaintiffs failed to plead RICO elements of enterprise, pattern of racketeering activity, and at least two predicate acts committed by defendant).

We affirm the judgment of the district court. See 8th Cir. R. 47B.
