

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

July 28, 2008

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No. 07-31094  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

JOAN M. PETTY

Plaintiff-Appellant

v.

MERCK AND COMPANY, INC, a Foreign Corporation

Defendant-Appellee

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Appeals from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:07-CV-3724

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Before WIENER, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Joan M. Petty ("Petty") appeals the district court's dismissal, for lack of standing, of her action under the Racketeer Influenced and Corrupt Organizations (RICO) Act. Affording her pro se brief the benefit of liberal construction, see *Haines v. Kerner*, 404 U.S. 519, 520 (1972), Petty argues that she has standing to sue under RICO based on bodily injury allegedly caused by the drug Vioxx.

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

A RICO plaintiff “must establish that [s]he has standing to sue.” *Price v. Pinnacle Brands*, 138 F.3d 602, 606 (5th Cir. 1998). As there is no recovery under RICO for personal injuries, a plaintiff does not have standing to sue under 18 U.S.C. § 1964(c) based on such injuries. See *id.* at 607, n.20. Petty has not shown that the district court erred in dismissing her RICO action for lack of standing.

Dismissal of Petty’s RICO claim moots her emergency request for a temporary injunction, which was also not filed in accordance with Fifth Circuit Rule 27.3. Petty is advised that if the court determines future actions in connection with this emergency motion or any other action constitute frivolous, harassing, or contumacious conduct, she will be exposed to sanctions and penalties.

The judgment of the district court is **AFFIRMED**. All outstanding motions are **DENIED**.