

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 18th day of September, two thousand twenty-six.

PRESENT:

JOHN M. WALKER, JR.,
MICHAEL H. PARK,
STEVEN J. MENASHI,
Circuit Judges.

Robert C. Bass,

Plaintiff-Appellant,

v.

26-191

Pershing LLC, BNY Pershing, Bank of New
York Mellon, N.A., ('BNY'), Citigroup Global
Markets Inc., ('CGMI'),

*Defendants-Appellees.**

* The Clerk of Court is respectfully directed to amend the caption accordingly.

FOR PLAINTIFF-APPELLANT:

Robert C. Bass, pro se,
Brooklyn, NY.

**FOR DEFENDANTS-APPELLEES PERSHING
LLC, BNY PERSHING, BANK OF NEW YORK
MELLON, N.A.:**

Nicholas J. Mazza, Reed
Smith LLP, New York, NY.

**FOR DEFENDANT-APPELLEE CITIGROUP
GLOBAL MARKETS INC.:**

Adam M. Kauff (Jonathan
Perrelle, *on the brief*), Kauff
Laton Miller LLP, New
York, NY.

Appeal from a judgment of the United States District Court for the Southern
District of New York (Caproni, J.).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED,
AND DECREED** that the judgment of the district court is **AFFIRMED**.

Robert C. Bass, proceeding pro se, appeals the district court's judgment dismissing his amended complaint. Bass sued Pershing LLC, BNY Pershing, Bank of New York Mellon, N.A. (collectively, "BNY Defendants"); Citigroup Global Markets, Inc. ("CGMI"); and the Financial Industry Regulatory Authority ("FINRA"). As relevant to the issues on appeal, he asserted claims under the Racketeer Influenced and Corrupt Organizations

Act (“RICO”), alleging that Defendants conspired to steal \$1 billion that they were required to transfer to Bass’s account. The district court granted Defendants’ motions to dismiss for failure to state a claim, concluding that Bass’s claims were barred by res judicata and the statute of limitations, and that leave to amend would be futile. *Bass v. Pershing*, No. 25-CV-02478, 2025 WL 3281561, at *1 (S.D.N.Y. Nov. 25, 2025). The district court also denied Bass’s motion for reconsideration. We assume the parties’ familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.¹

I. Dismissal Order

“[W]e review *de novo* a district court’s dismissal of a complaint pursuant to Rule 12(b)(6), construing the complaint liberally, accepting all factual allegations in the complaint as true, and drawing all reasonable inferences in the plaintiff’s favor.” *Moreira v. Société Générale, S.A.*, 125 F.4th 371, 387 (2d Cir. 2025) (citation omitted). Because Bass “has been *pro se* throughout, his pleadings and other filings are interpreted to raise the strongest claims they suggest.” *Sharikov v. Philips Med. Sys. MR, Inc.*, 103 F.4th 159, 166 (2d Cir. 2024).

As a preliminary matter, Bass has challenged only the denial of his civil RICO

¹ Bass has also filed a letter alerting us to additional authority, styled as a motion for judicial notice. That motion is granted.

claims on appeal. He has thus abandoned any challenge to the dismissal of his other claims, and we affirm their dismissal on that basis. *See Green v. Dep't of Educ. of N.Y.*, 16 F.4th 1070, 1074 (2d Cir. 2021). As to the remaining civil RICO claims, the district court properly concluded that these claims were untimely.

a. Statute of Limitations

A statute of limitations defense can be resolved at the dismissal stage when the time bar appears on the face of the complaint. *See Staehr v. Hartford Fin. Servs. Grp., Inc.*, 547 F.3d 406, 425 (2d Cir. 2008).

Civil RICO claims are subject to a four-year statute of limitations. *See Cohen v. S.A.C. Trading Corp.*, 711 F.3d 353, 361 (2d Cir. 2013). Under the “discovery accrual rule,” the limitations period for RICO claims “begins to run when the plaintiff discovers or should have discovered the RICO injury.” *Id.* (internal quotation marks omitted). Bass filed his complaint on March 26, 2025; thus, to be timely, his RICO injury must have been discovered no earlier than March 26, 2021. *See id.* But Bass alleged that the expected \$1 billion transfer should have occurred on May 7, 2019, that the funds did not arrive, and that he reached out to the issuer of the funds on May 10, 2019, to confirm the payment had been processed and to determine where the funds were. Because Bass knew of the

alleged injury nearly two years before March 26, 2021, the RICO claims were untimely.

See id.

Bass argues that the district court should have applied the doctrine of fraudulent concealment and tolled the statute of limitations because he later learned that CGMI directed its staff not to assist Bass with his requests related to the \$1 billion transfer. The doctrine of fraudulent concealment applies only when “the concealment prevented plaintiff’s discovery of the nature of the claim within the limitations period.” *Koch v. Christie’s Int’l PLC*, 699 F.3d 141, 157 (2d Cir. 2012) (internal quotation marks omitted). And we “review a district court’s decision to deny equitable tolling for abuse of discretion.” *Id.* Bass alleged that he discovered the internal CGMI message in April or May 2024, after arbitration proceedings had begun. But he also alleged he knew in 2019 that he had not received the funds and that CGMI was not helping him with the transfer. His later discovery that CGMI had internally instructed employees not to assist him thus supplied mere additional detail concerning conduct of which he was already aware. It did not reveal a previously undiscoverable claim. For these reasons, the district court did not abuse its discretion in denying equitable tolling of Bass’s civil RICO claims.

b. Denial of Leave to Amend

We review de novo the denial of leave to amend as futile. *Hutchison v. Deutsche Bank Secs. Inc.*, 647 F.3d 479, 490 (2d Cir. 2011). The district court properly denied leave to amend as futile because all Bass's claims were barred, and this substantive problem could not be cured through further pleading. *See Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000). It is therefore unnecessary to reach Bass's challenges to the district court's alternative reasoning that leave to amend should be denied because Bass had submitted fabricated evidence in support of his claims.

II. Denial of Reconsideration

Finally, the district court did not abuse its discretion in denying Bass's motion for reconsideration. *See Gomez v. City of New York*, 805 F.3d 419, 423 (2d Cir. 2015) (reviewing denial of reconsideration for abuse of discretion). Reconsideration motions "will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked . . . that might reasonably be expected to alter the conclusion reached by the court." *Van Buskirk v. United Grp. of Cos., Inc.*, 935 F.3d 49, 54 (2d Cir. 2019) (quoting *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995)). We perceive no abuse of discretion in the district court's conclusion that Bass failed to meet that standard.

We have considered all Bass's remaining arguments and find them to be without merit. Accordingly, we **AFFIRM** the judgment of the district court.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court