

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAIGA HRALIMA,
Appellant,
vs.
WASHOE COUNTY DETENTION
FACILITY AND PRISON HEALTH
SERVICES, INC.,
Respondents.

No. 52979

FILED

OCT 08 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's case in a medical malpractice action. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Having reviewed the papers filed and the record on appeal, we affirm the judgment of the district court. The district court properly dismissed appellant's complaint as all of appellant's claims were based on medical malpractice, did not involve res ipsa loquitur claims, and appellant failed to submit the statutorily required medical affidavit with his complaint. NRS 41A.071; NRS 41A.100; Washoe Med. Ctr. v. Dist. Ct., 122 Nev. 1298, 1302, 148 P.3d 790, 794 (2006); Perry v. Stanley, 83 S.W.3d 819, 825 (Tex. App. 2002) (holding that the requirement to file a medical affidavit with a complaint can properly be applied to inmates because they

bear the burden of proof at trial, which requires expert testimony).
Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Patrick Flanagan, District Judge
Maiga Hralima
Nall & Miller, LLP
Washoe County District Attorney Richard A. Gammick
Nall & Miller, LLP
Washoe District Court Clerk

¹On March 20, 2009, appellant filed a motion that stated appellant opposed our March 9, 2009, order adding respondent Prison Health Services, Inc. and allowing it to file a response. We construe this motion as a motion for rehearing of our March 9 order, which we deny.