

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYNN RAY GRIM,
Appellant,
vs.
EMPLOYERS INSURANCE COMPANY
OF NEVADA; AND BMC WEST,
Respondents.

No. 53294

FILED

FEB 05 2010

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 a petition for judicial review in a workers' compensation action. First Judicial District Court, Carson City; James Todd Russell, Judge.


Our review of the record indicates that respondent Employers Insurance Company of Nevada (EICON) moved to dismiss appellant's petition for judicial review on the ground that it was untimely. Appellant failed to file an opposition, and the district court subsequently granted the motion.¹ This appeal followed. On appeal, appellant appears to argue that the dismissal of his action was improper based on the fact that he did not have an attorney to represent him in the district court. There is, however, no right to appointed counsel in civil cases of this nature. NRS 616A.450(2) (indicating that the Nevada Attorney for Injured Workers is authorized but not required to represent a claimant before the district court and this court on appeal); SIIS v. Wrenn, 104 Nev. 536, 538, 762


¹It appears that respondent BMC West never appeared in the district court action. As a result, BMC was not a proper party to the underlying proceeding and is likewise not a proper party to this appeal. Accordingly, we dismiss this appeal as to BMC.

P.2d 884, 885-86 (1988) (concluding that NRS 616.2535, the predecessor to NRS 616A.450(2), did not mandate the appointment of the then State Industrial Claimants' Attorney to represent all claimants, free of charge, in proceedings before the district court); see also Rodriguez v. Dist. Ct., 120 Nev. 798, 813, 102 P.3d 41, 51 (2004) (noting that there is no right to appointed counsel in civil cases not involving contempt).² Accordingly, because appellant failed to oppose the motion to dismiss, the district court had the discretion to treat that failure as an admission of merit and as consent to granting the motion, King v. Cartlidge, 121 Nev. 926, 124 P.3d 1161 (2005), and because appellant has failed to demonstrate any reversible error by the district court, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

²For these same reasons, we deny appellant's multiple requests for appointment of counsel to represent him on appeal.

³In light of this order, we deny all other requests for relief currently pending in this appeal.

cc: Hon. James Todd Russell, District Judge
Lynn Ray Grim
Sertic Law, Ltd.
Carson City Clerk