

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELTON L. MATTHEWS, JR.,
Appellant,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS; CLARK COUNTY
DETENTION CENTER; NEVADA
DIVISION OF PAROLE AND
PROBATION; AND THE STATE OF
NEVADA DIVISION OF CHILD
PROTECTIVE SERVICES,
Respondents.

No. 53449

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 appellant's complaint. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

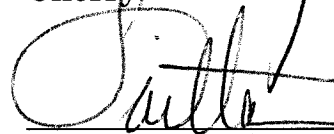
This court has held that courts possess inherent equitable powers to dismiss actions for abusive litigation practices. Lane v. Allstate Ins. Co., 114 Nev. 1176, 1181, 969 P.2d 938, 941 (1998). Thus, this court will not disturb a district court's dismissal on such grounds absent an abuse of discretion. Id. Further, when identical causes of action are pending, involving the same parties and arising from the same incident, this court has determined that a trial court may properly dismiss the second action. Fitzharris v. Phillips, 74 Nev. 371, 376-77, 333 P.2d 721, 724 (1958), abrogated on other grounds by Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); see also Fernandez v. Infusaid Corp., 110 Nev. 187, 871 P.2d 292 (1994).

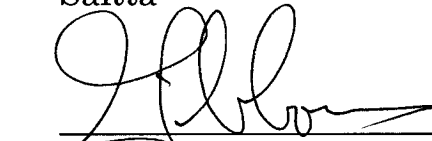
Having considered the record and the appellant's proper person appeal statement, we conclude that the district court did not abuse

its discretion in dismissing appellant's complaint. Specifically, appellant's underlying claims here were the same as the claims in another court action, and the defendants in the underlying action are either parties or in privity with the parties involved in that other court action. Fitzharris, 74 Nev. at 376, 333 P.2d at 724; cf. Five Star Capital Corp. v. Ruby, 124 Nev. ___, ___, 194 P.3d 709, 713 (2008) (holding that in order for claim preclusion to apply, the court must, in relevant part, determine if "the parties or their privies are the same"). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Dan L. Papez, District Judge
Felton L. Matthews Jr.
Attorney General/Carson City
Clark County District Attorney/Civil Division
White Pine County Clerk