

IN THE SUPREME COURT OF THE STATE OF NEVADA

BILL LIETZKE,
Appellant,

vs.

CITY OF MONTGOMERY; BOBBY
BRIGHT; ART BAYLOR; COUNTY OF
MONTGOMERY; REESE MCKINNEY;
AND D.T. MARSHALL,
Respondents.

No. 55438

FILED

JUN 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing the underlying civil rights action for lack of subject matter jurisdiction. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Proper person appellant Bill Lietzke is an Alabama resident who filed a civil rights complaint in the Nevada state district court against the city of Montgomery, Alabama, and various Montgomery city officials for actions that allegedly took place in Montgomery. NRCP 12(h)(3) requires the district court to dismiss a case whenever subject matter jurisdiction is lacking. Having reviewed appellant's civil proper person appeal statement and the record on appeal, we find no error in the district

court's dismissal of this action for lack of subject matter jurisdiction.
Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Jessie Elizabeth Walsh, District Judge
Bill Lietzke
City of Montgomery Legal Department
Eighth District Court Clerk

¹In light of this order, we no longer require appellant to file a certificate of service of the notice of appeal and civil proper person appeal statement.