

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILLIP JACKSON LYONS,
Appellant,
vs.
THE STATE OF NEVADA BOARD OF
PAROLE COMMISSIONERS; JIM
GIBBONS; DORLA SALLING; THOMAS
GOODSON; MARY VIETH; AND
COMMISSIONER CONNIE BISBEE,
Respondents.

No. 55465

FILED

DEC 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY T. Moog
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

This court reviews de novo an order granting an NRCP 12(b)(5) motion to dismiss, accepting all factual allegations in the complaint as true, and drawing all inferences in the plaintiff's favor. Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008).

Having considered the record and appellant's proper person appeal statement, we conclude that the district court did not err in dismissing appellant's complaint under claim-preclusion principles. The matter on which claim preclusion was based was a federal law judgment, therefore federal claim preclusion law applies. Taylor v. Sturgell, 553 U.S. 880, 891 (2008). Under federal law claim preclusion, "a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action." Allen v. McCurry, 449 U.S. 90, 94 (1980). This case involved issues that

were based on the same set of facts and circumstances as appellant's claims in the prior federal case—parole board members' questioning and treatment with respect to a dismissed sex offense and denial of parole based on an outdated set of parole guidelines. Accordingly, because the two cases involved the same parties or their privies, there was a valid final judgment on the prior claims in federal court, and the complaint in this matter was based entirely on claims that were or could have been brought in the prior action, the district court properly determined that appellant's claims were barred by claim preclusion and dismissed appellant's complaint. Id. at 94. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Stefany Miley, District Judge
Phillip Jackson Lyons
Attorney General/Las Vegas
Eighth District Court Clerk