

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN R. GUIDO,
Appellant,
vs.
CATHOLIC CHARITIES OF
SOUTHERN NEVADA; AND TODD L.
MOODY,
Respondents.

No. 56518

FILED

FEB 10 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing a civil rights action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

The district court dismissed appellant's complaint pursuant to NRCP 4(i) for failure to timely serve respondents with process. Upon consideration of appellant's civil proper person appeal statement and the record on appeal, we conclude that the district court did not abuse its discretion by granting the motion to dismiss. See Saavedra-Sandoval v. Wal-Mart Stores, 126 Nev. ___, ___, 245 P.3d 1198, 1200 (2010) (providing that this court reviews a district court's order granting a motion to dismiss for failure to serve process for an abuse of discretion). Even assuming that appellant demonstrated good cause for his failure to timely serve respondents with the summons and complaint, he did not establish good cause for his failure to file a timely motion for an extension of time to serve process, and thus, he was not entitled to such an extension. See NRCP 4(i) (requiring dismissal of a complaint when a plaintiff does not demonstrate good cause for failing to timely serve process, taking into consideration whether the plaintiff timely moved for an extension of time to serve process); Saavedra-Sandoval, 126 Nev. at ___, 245 P.3d at 1201

(explaining that, when a plaintiff seeks an enlargement of time to serve process after the service period has expired, the district court must consider whether the plaintiff has demonstrated good cause for his failure to file a timely motion for an extension before reaching the question of whether the plaintiff has shown good cause for his failure to timely serve process).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Susan Johnson, District Judge
John R. Guido
Fennemore Craig, P.C./Las Vegas
Hutchison & Steffen, LLC
Eighth District Court Clerk

¹We deny appellant's November 30, 2011, motion for leave to file a brief in proper person. NRAP 46(b) (providing that a party may only file a brief in proper person with leave of this court).