

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAIMON MONROE,  
Appellant,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondent.

No. 56924

**FILED**

OCT 19 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER GRANTING EN BANC RECONSIDERATION  
AND ORDER OF AFFIRMANCE

Appellant has petitioned this court for en banc reconsideration of the order dismissing appeal entered by a panel of this court on December 28, 2010. Having reviewed the petition, we conclude that appellant has demonstrated that reconsideration is warranted to maintain uniformity of this court's decisions. NRAP 40A(a). Accordingly, we grant reconsideration.<sup>1</sup>

Under NRAP 40A(f), upon granting reconsideration, this court may make a final disposition without reargument or make other such orders as are deemed appropriate under the circumstances. Appellant's position and arguments are set forth in his submissions to this court, and at our direction, the district court clerk has transmitted the district court record to this court for our review. We therefore conclude that additional briefing and argument would not assist us in our review, and instead, resolve the matter at this time.

Having reviewed appellant's proper person submissions and the district court record, we conclude that the district court did not err in granting summary judgment. Wood v. Safeway, Inc., 121 Nev. 724, 729,

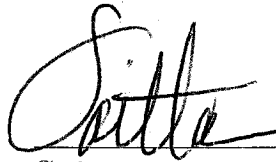
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<sup>1</sup>Appellant's motion to waive the filing fee is denied as moot, as no fee is required for petitions for en banc reconsideration.

121 P.3d 1026, 1029 (2005) (stating that we review a district court summary judgment de novo). Respondent's summary judgment motion was supported by detailed affidavits of the property's owners. To establish a genuine issue of material fact, appellant was required to "set forth specific facts demonstrating the existence of a genuine issue for trial." *Id.* at 732, 121 P.3d at 1031 (quoting *Bulbman, Inc. v. Nevada Bell*, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992)). Appellant did not do this, but only conclusorily asserted that he owned the property. Moreover, his motion for a stay relied on a forfeiture statute, NRS 177.1173(2); the underlying matter, however, was not a forfeiture action but an interpleader proceeding, and this statute did not apply.

Accordingly, we grant en banc reconsideration of the December 28, 2010, order dismissing appeal. Having reviewed the record and appellant's submissions and discerning no basis for reversal, we elect to decide the matter without further briefing and affirm the district court's summary judgment.

It is so ORDERED.



Saitta

, C.J.



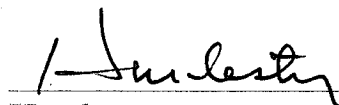
Douglas

, J.



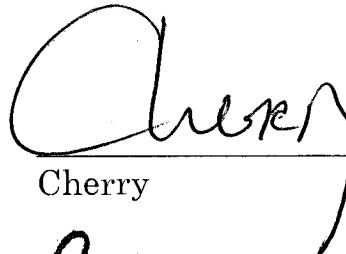
Gibbons

, J.



Hardesty

, J.



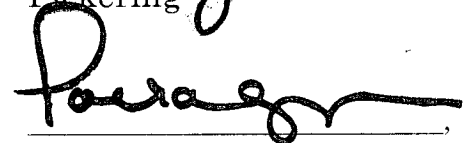
Cherry

, J.



Pickering

, J.



Parraguirre

, J.

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Daimon Monroe  
Clark County District Attorney/Civil Division  
Eighth District Court Clerk