

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN FERGASON,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 56925

FILED

JAN 18 2011

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


ORDER OF AFFIRMANCE

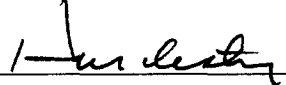
This is a proper person appeal from a district court summary judgment in an interpleader action. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

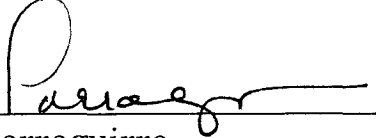
Having reviewed appellant's civil proper person appeal statement, and the record in this appeal, we determine that the district court did not err when it granted respondent summary judgment. See Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (noting that this court reviews a district court's summary judgment de novo). By failing to oppose respondent's summary judgment motion, appellant acknowledged the motion's merits and, correspondingly, failed to raise any genuine issue as to any material facts, entitling respondent to judgment as a matter of law. See EDCR 2.20(c) ("Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion . . . is meritorious and a consent to granting the same."); Walls v. Brewster, 112 Nev. 175, 178, 912 P.2d 261, 263 (1996) (stating that it was proper for the district court to construe the failure to oppose a motion to dismiss as "an admission that the motion was meritorious and as a consent to grant the motion"); cf. Old Aztec Mine, Inc.

v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (stating that “[a] point not urged in the [district] court . . . is deemed to have been waived and will not be considered on appeal”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

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