

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD MCINTYRE,  
Appellant,  
vs.  
CHIEF OF POLICE, RENO; BENJAMIN  
LANCASTER; STEVEN MAYFIELD;  
AND REED THOMAS,  
Respondents.

No. 57146

**FILED**

**SEP 15 2011**

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

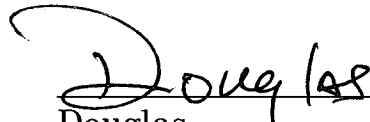
ORDER OF AFFIRMANCE


This is a proper person appeal from a district court dismissal in a civil rights action. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

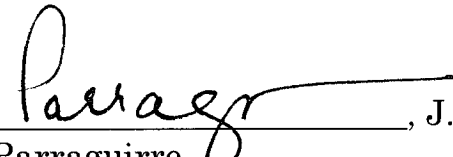
Upon de novo review, we conclude that the district court did not err in dismissing appellant's complaint as untimely. See Milton v. State, Dep't of Prisons, 119 Nev. 163, 164, 68 P.3d 895, 895 (2003) (reviewing appellant's claim that he had complied with the applicable statute of limitations de novo). Although appellant asserts that he mailed the complaint before the statute of limitations had expired, the "prison mailbox rule" does not apply to the filing of pleadings commencing a civil action. Id. at 165, 68 P.3d at 896. As appellant's complaint was filed in the district court after the statute of limitations had expired, see Wallace v. Kato, 549 U.S. 384, 387 (2007) (explaining that the statute of limitations for a 42 U.S.C. § 1983 claim is "that which the State provides

for personal-injury torts”); NRS 11.190(4)(e) (providing that the statute of limitations for personal injury actions is two years), we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Brent T. Adams, District Judge  
Richard Clifford McIntyre  
Reno City Attorney  
Washoe District Court Clerk