

IN THE SUPREME COURT OF THE STATE OF NEVADA

ENNIS HARRIS,
Appellant,
vs.
RENO HOUSING AUTHORITY,
Respondent.

No. 57536

FILED

JUN 27 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Handwritten Signature
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing a petition for judicial review in a housing authority action. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

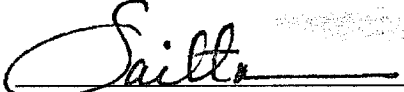
Appellant filed a petition for judicial review challenging respondent's termination of her housing assistance. After numerous district court filings by both parties, including three opening briefs from appellant, respondent filed a motion to strike the opening briefs for failing to comply with NRS 233B.133's requirement that all briefs be in the form provided for in NRAP 28. On July 20, 2010, the district court granted the motion to strike, set an amended briefing schedule, and ordered appellant to file a new opening brief that complied with NRS 233B.133 within 15 days or the court would dismiss the matter. Appellant filed her fourth opening brief on July 27, 2010.

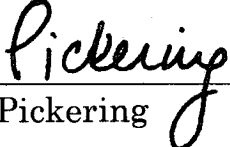
On August 26, 2010, respondent filed a motion to dismiss the petition for judicial review, arguing, among other things, that appellant's fourth opening brief again failed to comply with NRS 233B.133 and NRAP 28's requirements regarding citation to the administrative record to support her factual allegations and that appellant failed to sufficiently

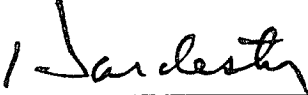
develop her legal arguments. Appellant did not oppose this motion. Thereafter, the district court entered an order dismissing the petition for judicial review after concluding that the petition did not comply with NRS 233B.133 and that appellant had failed to oppose the motion to dismiss. Appellant now appeals to this court.

On appeal, appellant argues that the district court's dismissal of her petition was premature and improper. As appellant failed to oppose the motion to dismiss her petition for judicial review, see DCR 13(3) (noting that failure to file and serve a written opposition within ten days of service of a motion may be construed as consent to grant the motion), the district court properly dismissed the petition on that basis. See also Walls v. Brewster, 112 Nev. 175, 178, 912 P.2d 261, 263 (1996) (affirming the district court's dismissal of appellant's case when appellant failed to oppose a motion to dismiss). Accordingly, we affirm the district court's order dismissing appellant's petition for judicial review.

It is so ORDERED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Steven P. Elliott, District Judge
Ennis Harris
The Law Offices of Charles R. Zeh, Esq.
Washoe District Court Clerk