IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,
Appellant,
vs.
CORRECTIONS OFFICERS ADAM VALESTER; PHILIP DICKERMAN; RONALD MULLINS; LOVELOCK CORRECTIONAL CENTER; AND NEVADA DEPARTMENT OF CORRECTIONS,
Respondents.

No. 59057

FILED

NOV 16 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order granting summary judgment in part and dismissing in part a tort action. Sixth Judicial District Court, Pershing County; Michael Montero, Judge.

Initially, with regard to the summary judgment of appellant's claim related to the destruction of certain photographs and personal papers, we conclude that appellant failed to establish a genuine issue of material fact regarding whether he was entitled to relief. See Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (explaining that, after a de novo review, this court will affirm a summary judgment if the record, viewed in the light most favorable to the nonmoving party, shows that there are no genuine issues of material fact in dispute and the moving party is entitled to judgment as a matter of law). Appellant contends that he raised a genuine issue of material fact with regard to whether he had exhausted his administrative remedies concerning this

claim by submitting copies of grievances addressing the destruction of his photographs and personal papers, which he claimed lacked log numbers and responses because respondents had failed to answer them. See NRS 41.0322(1) (providing that an incarcerated person may not proceed with any action against the Nevada Department of Corrections or its agents for the loss of personal property unless the person has first exhausted administrative remedies). The record evidence, however, included other grievances filed by appellant discussing a related matter, after he allegedly filed the unlogged grievances. These other grievances, which did contain log numbers and responses, did not include any indication that appellant had a claim regarding his photographs and personal papers or that he had previously attempted to file grievances that had been ignored. Thus, even viewing the evidence in the light most favorable to appellant, he did not establish a genuine issue of material fact with regard to whether he had exhausted his administrative remedies on the personal papers and photographs claim. See Wood, 121 Nev. at 729, 121 P.3d at 1029; see also NRS 41.0322(1).

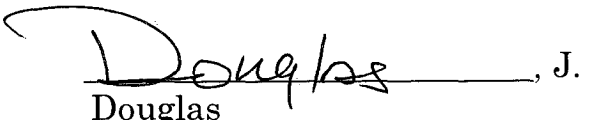
As to the dismissal of appellant's claim that prison officers improperly destroyed his legal documents, the district court did not err when it determined that appellant's claim did not reach the amount necessary to establish jurisdiction in the district court. See NRS 4.370(1)(b) (providing that the justice court has jurisdiction over claims where the damages are less than $10,000). In his grievances underlying this claim, appellant asserted that his legal papers were worth $6,000. He also previously filed an action based on the same set of facts and alleging that the value of the destroyed documents was $6,000. That action was dismissed for lack of jurisdiction, and this court affirmed the dismissal,

concluding that appellant could not have cured the jurisdictional defect, as it would have been "difficult, if not impossible" for appellant to allege damages in excess of $10,000. See Voss v. Valester, Docket No. 52610 (Order of Affirmance, March 27, 2009).

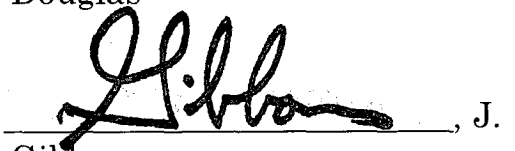
In the present action, appellant offered no explanation as to why the value of his legal papers now exceeds $10,000. Thus, based on appellant's assertions in his grievances and the previous action, the district court correctly concluded that the amount in controversy was insufficient to establish its jurisdiction as to this claim. See Morrison v. Beach City LLC, 116 Nev. 34, 38, 991 P.2d 982, 984 (2000) (explaining that when a court concludes to a legal certainty that the plaintiff cannot recover the jurisdictional amount, dismissal for want of jurisdiction is appropriate). Moreover, as appellant's previous complaint did not include a claim for injunctive relief and because an injunction is not an appropriate remedy here, see Czipott v. Fleigh, 87 Nev. 496, 498-99, 489 P.2d 681, 683 (1971) (explaining that injunctive relief is not an available remedy when a party has an adequate legal remedy whereby damages may be assessed and recovered), it appears that appellant's general request for injunctive relief to "prevent future undue seizures" was improperly added solely to invoke the district court's jurisdiction following this court's affirmance of the prior dismissal of his claims. See Edwards v. Emperor's Garden Rest., 122 Nev. 317, 324, 130 P.3d 1280, 1284 (2006) (recognizing the impropriety of including a claim for injunctive relief solely

to invoke the district court's jurisdiction). Thus, the district court did not err by dismissing this claim.[1] Accordingly, we

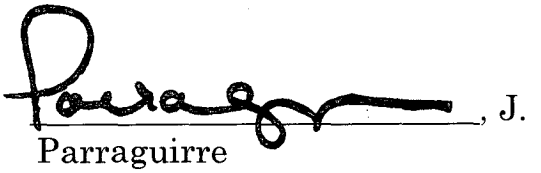
ORDER the judgment of the district court AFFIRMED.



_____, J.
Douglas



_____, J.
Gibbons



_____, J.
Parraguirre

cc: Hon. Michael Montero, District Judge
Steven Floyd Voss
Attorney General/Carson City
Pershing County Clerk

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[1]Appellant's argument that the district court should have transferred jurisdiction to the justice court lacks merit because, once the district court concluded that it lacked jurisdiction, it had no duty to transfer the action. See NRS 3.221 (stating that when a district court concludes that the justice court has jurisdiction, it may transfer the action to the justice court).