

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL BALES,

Appellant,

vs.

COUNTY OF CLARK, AND JAMIE
WILLIAMS, INDIVIDUALLY AND IN
HER OFFICIAL CAPACITY AS AN
EMPLOYEE OF COUNTY OF CLARK,

Respondents.

No. 35432

FILED

SEP 11 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. P. [Signature]
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting summary judgment in a civil rights case. Under NRCP 56(c), summary judgment is appropriate if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.¹ "A genuine issue of material fact is one where the evidence is such that a reasonable jury could return a verdict for the non-moving party."² An order granting summary judgment is reviewed de novo.³

Having reviewed the record and the briefs, we conclude that the district court did not err in granting respondents' motion for summary judgment. In particular, we conclude that the district court properly

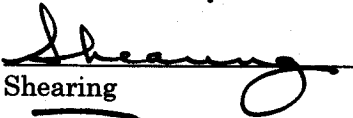
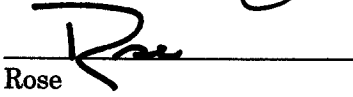
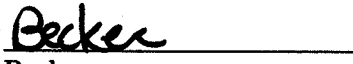
¹See Butler v. Bogdanovich, 101 Nev. 449, 705 P.2d 662 (1985).

²Posadas v. City of Reno, 109 Nev. 448, 452, 851 P.2d 438, 441-42 (1993).

³Dermody v. City of Reno, 113 Nev. 207, 931 P.2d 1354 (1997); see also SIIS v. United Exposition Services Co., 109 Nev. 28, 846 P.2d 294 (1993) (summarizing authority for the conclusion that matters of law are reviewed de novo).

determined that the issuance of a bench warrant is an integral judicial action for which respondent Jamie Williams is protected by quasi-judicial immunity from liability.⁴ Moreover, with regard to the county, we conclude that appellant has failed to establish a civil rights claim under 42 U.S.C § 1983 or a cause of action based on the doctrine of respondeat superior.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Shearing
 J.
Rose
 J.
Becker

cc: Hon. Lee A. Gates, District Judge
Clark County District Attorney
Potter Law Offices
Clark County Clerk

⁴See Duff v. Lewis, 114 Nev. 564, 958 P.2d 82 (1998) (concluding that quasi-judicial immunity extends to court-appointed psychologist who performs integral function in assisting court); see also Dellenbach v. Letsinger, 889 F.2d 755, 763 (7th Cir. 1989) (recognizing that judicial support personnel who perform functions integral to the judicial process are entitled to absolute immunity from liability for acts performed in the discharge of those functions).

⁵See Monell v. New York City Dept. of Social Services, 436 U.S. 658 (1978) (noting that a plaintiff suing a governmental defendant under 42 U.S.C § 1983 must allege and prove the existence of a policy or custom of violating individuals' rights, and a governmental defendant cannot be held liable under a civil rights claim on a respondeat superior theory); Rockwell v. Sun Harbor Budget Suites, 112 Nev. 1217, 925 P.2d 1175 (1996) (stating that respondeat superior liability attaches only when an employee is under the control of the employer and when the act is within scope of employment).