

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMADEO J. SANCHEZ,

Appellant,

vs.

THE STATE OF NEVADA IN
RELATION TO THE NEVADA
DEPARTMENT OF CORRECTIONS
AND NEVADA OFFICE OF ATTORNEY
GENERAL,
Respondents.

No. 59547

FILED

FEB 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

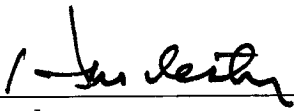
This is a proper person appeal from a district court order dismissing a civil rights action. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

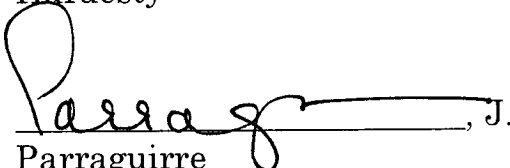
On consideration of the record and appellant's civil proper person appeal statement, we conclude that the district court did not err in dismissing the action as frivolous, because the court provided appellant with an opportunity to demonstrate an arguable basis for his complaint in law or in fact and an opportunity to amend his complaint to cure its defects, but appellant failed to provide any legal support for his cause of action alleging that respondents had put him in danger by discussing other inmates and their legal actions in the context of appellant's cases. See NRCP 11(b)(2) and (c) (permitting a district court to impose sanctions on an unrepresented party for filing an action that is not "warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law"); see also Jordan v. State, Dep't of Motor Vehicles, 121 Nev. 44, 57-58, 110 P.3d 30, 40-41 (2005) (recognizing that NRCP 11 permits a district court to sua

sponte dismiss a frivolous complaint after giving the plaintiff notice and an opportunity to oppose the dismissal), abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224, 181 P.3d 670 (2008).

Appellant also asserts on appeal that the district court abused its discretion in directing the director of the Nevada Department of Corrections to forfeit deductions of time that appellant had previously earned to reduce his prison sentence under NRS 209.451(1)(d). As discussed above, appellant's complaint was not supported by existing law, and thus, the district court did not abuse its discretion by directing the sanction. See NRS 209.451(1)(d); see also Bahena v. Goodyear Tire & Rubber Co., 126 Nev. ___, ___, 235 P.3d 592, 598 (2010) (explaining that this court reviews a district court's decision to impose a sanction for an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

¹We deny appellant's transcript request filed on November 16, 2011, because no hearings were held in the district court.

cc: Hon. Steve L. Dobrescu, District Judge
Amadeo J. Sanchez
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk