

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE EDWARD THOMAS,  
Appellant,  
vs.  
ROBERT B. BANNISTER; JOHN  
PEARCE; DONALD POAG; MEDICAL  
ADMINISTRATOR; THE STATE OF  
NEVADA DEPARTMENT OF  
CORRECTIONS; THE STATE OF  
NEVADA; AND HOWARD SKOLNIK,  
Respondents.

No. 62156

FILED

MAY 15 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angelica*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

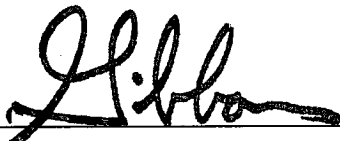
This is a proper person appeal from a district court order granting a motion to dismiss. First Judicial District Court, Carson City; James Todd Russell, Judge.

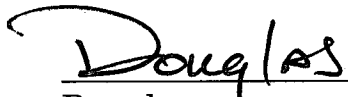
Appellant filed a complaint in July 2012, alleging that he was wrongfully assessed for medical treatment charges in October 2004. Respondents filed a motion to dismiss the complaint, arguing that the complaint was barred by the statute of limitations. The district court granted the motion and dismissed appellant's complaint. This appeal followed.

This court reviews de novo an order granting an NRCP 12(b) motion to dismiss, accepting all factual allegations in the complaint as true, and drawing all inferences in the plaintiff's favor. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). We have reviewed the record and appellant's civil proper person appeal statement, and we conclude that dismissal was appropriate. Appellant's complaint is barred by any statute of limitations applicable to his claims. See NRS 11.190(2)(c) (four-year statute of limitations for an action on a

contract, obligation or liability not founded upon an instrument in writing); NRS 11.190(3)(a) (three-year statute of limitations for an action upon a liability created by statute); NRS 11.190(3)(c) (three-year statute of limitation for an action alleging a taking of personal property); NRS 11.190(4)(e) (two-year statute of limitation for a personal injury action); NRS 11.190(5)(a) (one-year statute of limitation for an action against an officer to recover goods seized in the officer's official capacity); NRS 11.220 (four-year statute of limitation for an action for which a limitations period is not otherwise provided); *Wilson v. Garcia*, 471 U.S. 261, 279-80 (1985) (holding that actions brought under 42 U.S.C. § 1983 in state court are governed by the state's statute of limitations for a personal injury action). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. James Todd Russell, District Judge  
Gene Edward Thomas  
Attorney General/Carson City  
Carson City Clerk