

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH MIZZONI,  
Appellant,  
vs.  
NDOC SENIOR OFFICER, MRS.  
BARRY; NDOC DIRECTOR OF  
NURSES/MEDICAL, MR.  
BRACKVILLE; NDOC AWO, ELY, MRS.  
BROOKS; NDOC WARDEN, MR. E.K.  
MCDANIEL; AND NDOC CT. OFFICER,  
MR. PASSES,  
Respondents.

No. 63149

**FILED**

SEP 16 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from a district court order granting a motion to dismiss in a civil rights action. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

Having considered appellant's proper person appeal statement and the record on appeal, we conclude that the district court was within its discretion in dismissing appellant's complaint for failure to hold the NRCP 16.1 case conference. *See Arnold v. Kip*, 123 Nev. 410, 414, 168 P.3d 1050, 1052 (2007) (reviewing a district court's decision to grant a motion to dismiss under NRCP 16.1(e) for an abuse of discretion). While we recognize that appellant may have been unaware that he was required to hold the case conference, the record demonstrates that appellant filed his complaint in November 2009 and did nothing to pursue his case from February 2011 to October 2012. The record further demonstrates that it was this delay, and others, that factored heavily into the district court's March 2013 decision to grant respondents' motion to dismiss. *See id.* at 415-16, 168 P.3d at 1053 (recognizing that the length of delay and general

considerations of case management are relevant factors for the district court to consider); NRCPC 16.1(g) (specifying that proper person plaintiffs are not excused from holding a case conference). Based on the facts of this case, we cannot conclude that the district court abused its discretion, and we therefore

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Gary Fairman, District Judge  
Joseph L. Mizzoni  
Attorney General/Carson City  
White Pine County Clerk