

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,
Appellant,
vs.
KELLY & SULLIVAN, LTD.; SEAN P.
SULLIVAN; AND KEVIN M. KELLY,
Respondents.

No. 63312

FILED

MAR 13 2015

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

ORDER OF AFFIRMANCE

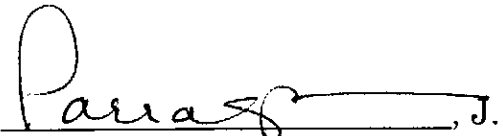
This is an appeal from a district court order granting a motion to dismiss in a contract action. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.


Appellant retained respondents to represent him in a criminal matter and paid them \$25,000. Respondents withdrew from representation in part because of appellant's failure to pay an additional amount due. In 2010, appellant filed an action against respondents and amended that action in 2011 to include a breach-of-contract claim. The district court dismissed that action. Then in 2012, appellant filed the underlying breach-of-contract action based on the same facts. The district court granted respondents' motion to dismiss and this appeal followed.

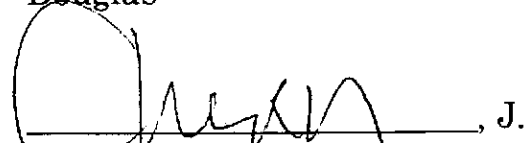
Having considered the civil pro se appeal statement and the record on appeal, we conclude that the underlying action was barred by claim preclusion because it included the same parties as the previous action, the judgment in the previous action was final, and this action was based on the same claims that were or could have been brought in the previous action. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008); see also *Buzz Stew, LLC v. City of N. Las Vegas*, 124

Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (explaining that an order granting an NRCP 12(b)(5) motion to dismiss is reviewed de novo). Further, the district court's failure to make specific findings of facts and conclusions of law is not reversible error as the record is clear and supports the district court's order. *See Luciano v. Diercks*, 97 Nev. 637, 639-40, 637 P.2d 1219, 1220 (1981). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


Parraguirre


Douglas


Cherry

cc: Hon. Mark R. Denton, District Judge
Robert Holmes, III
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk

¹To the extent appellant's arguments are not addressed in this order, we conclude that they lack merit.