

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID AUGUST KILLE, SR.,
Appellant,
vs.
JAMES KEENER; TARA CARPENTER;
QUENTIN BYRNE; MARIA WARD;
KELLY BELANGER; DAVID
CARPENTER; ROBERT LEGRAND,
WARDEN; DON HELLING; E.K.
MCDANIEL, WARDEN; HOWARD
SKOLNIK; JAMES GREG COX; THE
STATE OF NEVADA; AND ATTORNEY
GENERAL NATHAN HASTINGS,
Respondents.

No. 65019

FILED

MAR 23 2015

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

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order granting summary judgment in a torts action. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

Appellant, an inmate, filed a complaint against respondents alleging that they violated numerous of his constitutional rights, and also violated federal and state law, by reviewing his mail from the Internal Revenue Service and delaying its delivery to him. The district court ultimately granted summary judgment to respondents on two grounds, first, that respondents were entitled to immunity, and second, that the applicable regulation authorizing respondents to review appellant's mail was reasonably related to a penological interest, and therefore, did not violate appellant's rights. This appeal followed.

We review a district court order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other


evidence on file demonstrate that no genuine issue of material facts exists and that the moving party is entitled to judgment as a matter of law. *Id.*

On appeal, appellant argues that the Nevada Department of Corrections' administrative regulations violate the United States Constitution and federal and state law, in that they allow respondents to review his confidential mail. Appellant fails, however, to present any arguments challenging the district court's alternative conclusion that summary judgment was appropriate because respondents were entitled to immunity from appellant's claims. By failing to present any arguments addressing the district court's immunity determination, appellant has conceded that respondents were immune from suit, and thus, we need not consider appellant's arguments regarding the propriety of the administrative regulations authorizing respondents' review of appellant's mail. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. ___, ___ n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised by a party are deemed waived). Accordingly, we conclude that the district court did not err in granting summary judgment to respondents, *Wood*, 121 Nev. at 729, 121 P.3d at 1029, and we therefore

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

¹With regard to February 19, 2015, motion inquiring about the process for challenging a decision issued by the Nevada Court of Appeals, appellant should review the procedures laid out in the Nevada Rules of Appellate Procedure.

cc: Hon. Richard Wagner, District Judge
David August Kille, Sr.
Attorney General/Carson City
Pershing County Clerk