


IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ANTHONY DAVIS,
Appellant,
vs.
THE STATE OF NEVADA; AND
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondents.

No. 65304

FILED

APR 16 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order granting a motion to dismiss in a civil rights and tort action. Sixth Judicial District Court, Pershing County; Michael Montero, Judge.

Having considered the arguments in appellant's appeal statement and the record on appeal, we agree with the reasoning set forth in the district court's partial dismissal order.¹ See *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (reviewing de novo a district court order granting an NRCP 12(b)(5) motion); see also *Cholla Ready Mix, Inc. v. Civish*, 382 F.3d 969, 973 (9th Cir. 2004) (recognizing that a court is not required "to accept legal conclusions cast in the form of factual allegations if those conclusions cannot reasonably be drawn from the facts alleged" (internal quotation omitted)). Similarly, as appellant has not made any specific argument on appeal regarding NRCP

¹Although appellant argues that respondents were not entitled to qualified immunity and that he had exhausted his administrative remedies, neither of these issues formed a basis for the district court's partial dismissal order.

16.1 or otherwise argued that he attempted to advance his case against the remaining defendant, we conclude that the district court was within its discretion when it dismissed the remaining defendant based on appellant's 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); *see also* NRCP 16.1(g) (specifying that pro se plaintiffs are not excused from holding a case conference). We therefore

ORDER the judgment of the district court AFFIRMED.



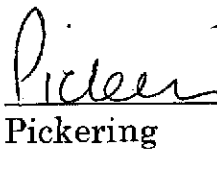
J.

Saitta



J.

Gibbons



J.

Pickering

cc: Hon. Michael Montero, District Judge
James Anthony Davis
Attorney General/Carson City
Pershing County Clerk