

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH GLENN ERICKSON, JR.,  
Appellant,  
vs.  
DON POAG; KATHERINE HEGGE; MS.  
GREEN; AND C.O. YATES,  
Respondents.

No. 66139

**FILED**

NOV 14 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from a district court order dismissing a civil rights action for failure to timely serve process. Second Judicial District Court, Washoe County; Elliott A. Sattler, Judge.

Under NRCP 4(i), a district court is required to dismiss a plaintiff's complaint if the plaintiff fails to serve a defendant with process within 120 days of filing the complaint and fails to move for an enlargement of the time for service. NRCP 4(i) ("[T]he action shall be dismissed unless the party on whose behalf such service was required files a motion to enlarge the time for service . . ."); *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 1198, 1200-01 (2010) (recognizing that NRCP 4(i) differs from its federal counterpart in that NRCP 4(i) not only requires a plaintiff to show good cause for failing to timely serve process, but also requires a plaintiff to file a motion to enlarge the time for service).

Here, as appellant neither completed service of process on respondents within 120 days nor filed a motion to enlarge the time for service, the district court properly dismissed his complaint. NRCP 4(i); *Saavedra-Sandoval*, 126 Nev. at \_\_\_, 245 P.3d at 1200 (explaining that

this court reviews a district court order granting a motion to dismiss for failure to timely serve process for an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

*Hardesty*, J.  
Hardesty

*Douglas*, J.  
Douglas

*Cherry*, J.  
Cherry

cc: Hon. Elliott A. Sattler, District Judge  
Kenneth Glenn Erickson, Jr.  
Washoe District Court Clerk