

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IAN A. WOODS,
Appellant,
vs.
KALANI HOO,
Respondent.

No. 66825

FILED

AUG 3 1 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court summary judgment in a civil rights action. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Respondent Kalani Hoo was the court-appointed attorney for appellant Ian A. Woods in a criminal action. After sentencing, Woods requested that Hoo be ordered to withdraw. This request was granted, and Hoo was ordered to withdraw and to provide Woods with a copy of his client file.

In the underlying action, Woods alleged that Hoo had violated his right to due process, interfered with his access to the court, and retaliated against him by failing to return his client file from the criminal case. Woods claimed that Hoo's failure to return the file had caused him to be unable to file a timely petition for a writ of habeas corpus. Hoo then moved for summary judgment on four separate grounds and no timely

opposition was filed in the district court.¹ Regardless, the district court ultimately granted summary judgment to Hoo based on the merits of each of the four separate arguments set forth in the motion for summary judgment. This appeal followed. At the direction of this court, Hoo filed a response to the civil appeal statement. Additionally, Woods filed a reply to the response.


In his civil appeal statement, Woods simply asserts that the district court should have allowed him the opportunity to amend his complaint to correct any deficiencies therein. But Woods did not move to amend his complaint in the district court. Moreover, in making this argument on appeal, he does not explain how amendment would have cured the deficiencies identified in Hoo's summary judgment motion or otherwise argue that the district court improperly found in favor of Hoo on any of the four grounds on which the district court found summary judgment to be warranted.


In his reply to Hoo's response, Woods argues that the district court improperly found that Hoo was entitled to discretionary immunity. But this court need not consider arguments raised for the first time in an appellant's reply. *See Weaver v. State, Dep't of Motor Vehicles*, 121 Nev. 494, 502, 117 P.3d 193, 198-99 (2005) (stating that the appellate court

¹The opposition was not filed until after the notice of appeal was filed. At the same time that the opposition was filed, Woods filed another motion, in which he asserted that he had mailed the opposition within the prescribed time period for filing that document. In light of our disposition herein, we need not determine whether the district court improperly failed to consider the opposition in resolving the matter before it.

need not consider issues raised for the first time in an appellant's reply brief). Moreover, even if we were to consider the immunity argument, Woods has not addressed the three alternative grounds for the district court's decision, and thus, we conclude that Woods has waived any arguments regarding these alternative determinations. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (explaining that an issue not raised on appeal is deemed waived). Accordingly, for the reasons set forth above, we necessarily

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

²Having considered Woods' request for appointment of counsel, made in his civil appeal statement, we deny the request. *See Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 804-05, 102 P.3d 41, 45-46 (2004) (recognizing that the Sixth Amendment right to counsel applies only in criminal prosecutions).

cc: Hon. David B. Barker, District Judge
Ian Armese Woods
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Eighth District Court Clerk