

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN EUGENE LEPLEY,  
Appellant,  
vs.  
THE STATE OF NEVADA ON  
RELATION OF THE NDOC,  
Respondent.

No. 66889

**FILED**

OCT 16 2015

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

*ORDER OF REVERSAL AND REMAND*

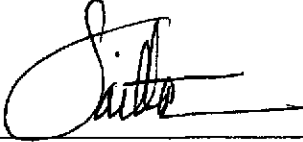
This is a pro se appeal from a district court order dismissing a civil rights action for lack of jurisdiction. Eighth Judicial District Court, Clark County; Rob Bare, Judge.


For the State's waiver of sovereign immunity to apply under NRS 41.031(2), actions brought against the State of Nevada "must be filed in the county where the cause or some part thereof arose or in Carson City." The district court dismissed appellant's complaint on the basis that he failed to strictly comply with NRS 41.031(2) by filing his civil rights complaint in the Eighth Judicial District rather than the First, Sixth, or Seventh Judicial Districts. Appellant challenges the district court's order on appeal and respondent has filed a response as directed by this court.

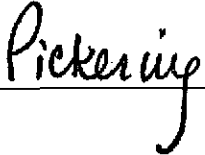
Having reviewed appellant's appeal statement, respondent's response, and the record on appeal, we conclude that the district court erred in dismissing appellant's complaint. *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2009) (applying de novo review to an issue of jurisdiction). Appellant's civil rights complaint alleges that respondent has failed to comply with the requirements of a settlement agreement to restore good time credits to appellant, and that appellant has sought

compliance with the settlement agreement through the inmate grievance process. A review of the record on appeal shows that at least several of the inmate grievance forms attached to appellant's complaint were submitted and/or returned to appellant while he was incarcerated at High Desert State Prison, which is located in Clark County. As such, appellant complied with NRS 41.031(2)'s jurisdictional requirement by filing his complaint in the Eighth Judicial District. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Rob Bare, District Judge  
Brian Eugene Lepley  
Attorney General/Carson City  
Eighth District Court Clerk