

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMADEO J. SANCHEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
DEPARTMENT OF CORRECTIONS;  
OFFICER CHAMPA; SENIOR OFFICER  
GARRETT; AND OFFICER  
ROBASCIOTTI,  
Respondents.

No. 67848

**FILED**

SEP 15 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order granting summary judgment in a civil rights action. Eleventh Judicial District Court, Pershing County; Michael Montero, Judge.

Appellant Amadeo Sanchez first argues the district court erred in granting the respondents' motion for summary judgment. This court reviews summary judgments de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is appropriate if the pleadings and other evidence on file, viewed in the light most favorable to the nonmoving party, demonstrate that no genuine issues of material fact remain in dispute and the moving party is entitled to judgment as a matter of law. *Id.* To withstand summary judgment, the nonmoving party cannot rely solely on general allegations and conclusions set forth in the pleadings, but must instead present specific facts demonstrating the existence of a genuine factual issue supporting the claims. NRCP 56(c); *Wood*, 121 Nev. at 731, 121 P.3d at 1030-31.

Having considered Sanchez's appeal statement and the record before this court, we conclude that judgment was properly entered in favor

of the respondents. Sanchez did not identify any specific error regarding the granting of summary judgment and our review of the record reveals Sanchez did not present specific facts demonstrating the existence of a genuine factual issue. *See id.* Therefore, Sanchez is not entitled to relief for this claim.


Second, Sanchez argues the district court erred by failing to grant his motions for a default judgment. Sanchez's argument lacks merit. Sanchez initially moved for a default judgment due to the respondents' failure to appear and defend. The district court properly denied Sanchez's initial motion for default judgment because the respondents had previously appeared via a demand for a change of venue. *See* NRCP 55(a), (b)(2).

Sanchez later moved for a default judgment because of improper delays and failure to properly respond to his discovery requests. The district court properly declined to enter default judgment because Sanchez did not demonstrate the respondents engaged in "abusive litigation practices" causing "interminable delays." *Foster v. Dingwall*, 126 Nev. 56, 65, 227 P.3d 1042, 1048 (2010). Further, Sanchez did not demonstrate the respondents committed discovery violations or failed to follow a discovery order after he properly sought an order compelling discovery. *See* NRCP 37(a); *see also Nevada Power Co. v. Flour Ill.*, 108 Nev. 638, 645, 837 P.2d 1354, 1359 (1992) (explaining case concluding sanctions for failure to obey a discovery order "should be used only in

extreme situations"). Therefore, Sanchez is not entitled to relief for this claim.<sup>1</sup>

Having concluded Sanchez is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Michael Montero, District Judge  
Amadeo J. Sanchez  
Attorney General/Carson City  
Pershing County Clerk

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<sup>1</sup>Sanchez also argues the district court erred by ordering the venue changed from White Pine County to Pershing County. As the cause of action for this matter arose in Pershing County, the district court properly transferred the venue to that county. See NRS 13.020(2); NRS 13.050.