

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL D. GRANDON,  
Appellant,  
vs.  
THE STATE OF NEVADA; AND CLARK  
COUNTY, NEVADA,  
Respondents.

No. 67917

**FILED**

JAN 14 2016

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

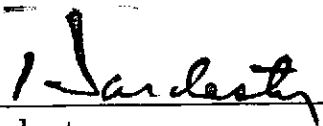
*ORDER OF AFFIRMANCE*

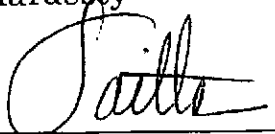
This is a pro se appeal from district court orders granting motions to dismiss in a tort and civil rights action. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

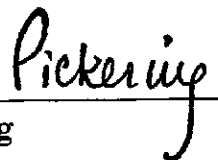
Having considered appellant's appeal statement and the record on appeal, we perceive no error in the district court's decision dismissing appellant's complaint as barred by the statute of limitations. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (stating that this court reviews de novo an order granting an NRCP 12(b)(5) motion to dismiss, accepting all factual allegations in the complaint as true, and drawing all inferences in the plaintiff's favor); *Day v. Zubel*, 112 Nev. 972, 977, 922 P.2d 536, 539 (1996) ("The appropriate accrual date for the statute of limitations is a question of law only if the facts are uncontroverted."). Appellant stated in his complaint that his criminal case was dismissed with prejudice on January 28, 2009. The statute of limitations for his claims therefore commenced on that date. *Day*, 112 Nev. at 977-78, 922 P.2d at 539 (holding that the statute of limitations for tort and civil rights claims commences upon the dismissal of criminal charges with prejudice). As appellant did not file his complaint until May 29, 2012, more than two years after the statute of limitations commenced for his claims, the district court correctly determined that

appellant's claims were barred by the statute of limitations. NRS 11.190(4)(e); see *Wilson v. Garcia*, 471 U.S. 261, 276 (1985) (holding that a cause of action under 42 U.S.C. § 1983 is governed by the forum state's personal injury statute of limitations). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

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

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

cc: Hon. Ronald J. Israel, District Judge  
Michael D. Grandon  
Attorney General/Carson City  
Eighth District Court Clerk