

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERIC MESI,  
Appellant,  
vs.  
NATIONAL DEFAULT SERVICING  
CORPORATION,  
Respondent.

No. 68806

FILED

MAR 02 2016

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

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing a complaint in an action alleging violations of various constitutional provisions and the racketeering laws. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

The district court dismissed appellant's complaint for failure to comply with the basic pleading requirements of NRCP 8(a), which requires that a pleading contain "a short and plain statement of the claim showing that the pleader is entitled to relief." On review of the record, we conclude that the district court's dismissal was proper, as the nature of appellant's legal claims against respondent are not discernible from a review of the complaint. In particular, although appellant cited a number of constitutional provisions, the racketeering laws, and Chapters 598 and 598A of the Nevada Revised Statutes, he did not set forth factual allegations relating to these provisions that would put respondent on notice of any legally sufficient claim for relief. See NRCP 8(a); *Breliant v. Preferred Equities Corp.*, 109 Nev. 842, 846, 858 P.2d 1258, 1260 (1993) ("The test for determining whether the allegations of a complaint are sufficient to assert a claim for relief is whether the allegations give fair


notice of the nature and basis of a legally sufficient claim and the relief requested.”).


Moreover, in his civil appeal statement, appellant asserts that the district court closed his case “for improper reasons,” but it is not clear on what basis he is claiming that the district court’s reasons were improper. Appellant notes that he was not given the opportunity to bring the government entities Fannie Mae and Freddie Mac into his case, but nothing in the district court record demonstrates that appellant attempted to bring those entities into the case. Appellant also makes factual allegations in the remainder of his civil appeal statement, but it is not clear how those allegations relate to the allegations in the complaint or his contention that the dismissal was improper.

As appellant’s complaint did not set forth any cognizable claim for relief, we conclude the district court properly dismissed that complaint. *See Breliant*, 109 Nev. at 845, 858 P.2d at 1260 (reviewing a dismissal under NRCP 12(b)(5) for failure to state a claim under a rigorous de novo standard of review). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

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

<sup>1</sup>In light of our resolution herein, we deny as moot appellant’s January 22, 2016, motion regarding an expert witness.

cc: Hon. Patrick Flanagan, District Judge  
Eric Mesi  
Akerman LLP/Las Vegas  
Washoe District Court Clerk