

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMETRI ALEXANDER,
Appellant,
vs.
DIANA L. SULLIVAN D/B/A JUSTICE
OF THE PEACE, LAS VEGAS
TOWNSHIP,
Respondent.

No. 67119

FILED

JUN 09 2016

JANCIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing a civil rights action. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant Demetri Alexander, an inmate, filed a district court civil rights complaint alleging that respondent Diana L. Sullivan had failed to post the bond required by Nevada law to properly hold her position as a justice of the peace on the day he was arraigned before her, and that this failure violated his constitutional rights. Justice of the Peace Sullivan filed a motion to dismiss, which was granted over Alexander's opposition.¹ This appeal followed.

We conclude that the district court properly dismissed Alexander's complaint. The sole claim that Alexander brought against Justice of the Peace Sullivan was that, without maintaining the required bond, she lacked the ability to preside over Alexander's case. And, if the


¹Although the other defendants to the underlying case were also dismissed from the action below, on appeal Alexander only challenges Justice of the Peace Sullivan's dismissal.


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district court had found in Alexander's favor on that claim, that judgment "would necessarily imply the invalidity of [Alexander's] sentence." See *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). Because Alexander's success on his claim would imply that his criminal sentence was invalid, the district court was required to dismiss Alexander's civil rights claim unless he demonstrated that his sentence had already been overturned or invalidated. See *id.* Here, Alexander failed to even make such an allegation and, thus, the district court properly dismissed his complaint as to Justice of the Peace Sullivan. See *id.* at 486-87 (providing that a plaintiff must demonstrate that his underlying sentence has been overturned to avoid dismissal of civil rights claims alleging an unlawful sentence if the success of those claims would render the sentence invalid); see also *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (providing that an order dismissing a complaint for failure to state a claim upon which relief could be granted is rigorously reviewed on appeal).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James E. Wilson, District Judge
Demetri L. Alexander
Attorney General/Carson City
Clark County District Attorney/Civil Division
Carson City Clerk