

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BOBBY FRANKLIN,

Appellant,

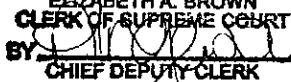
vs.

D.J. LAUGHLIN D/B/A BWD  
PROPERTIES 2, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; BWD  
PROPERTIES 3, LLC, A NEVADA  
LIMITED LIABILITY COMPANY; AND  
BWD PROPERTIES 4, LLC, A NEVADA  
LIMITED LIABILITY COMPANY,  
Respondents.

No. 70304

**FILED**

NOV 16 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing a quiet title action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Appellant sued respondents, seeking to quiet title to a parcel of land he claimed to own pursuant to federal law. Respondents moved to dismiss appellant's complaint under NRCP 12(b)(5), arguing that he had previously litigated his claim in the federal courts as well as a Nevada court; that the decisions from those cases had preclusive effect; and that he was subject to a permanent injunction, which barred him from filing any action regarding the property. After a hearing on the matter, the district court orally granted respondents' motion. Appellant then filed a motion for relief under NRCP 60(b), which the district court denied on the ground that it was premature because the court had not entered a written dismissal order. The district court subsequently entered a written order dismissing appellant's complaint, and this appeal followed.

On appeal, appellant contends that the prior decisions in this matter are void and that the district court should have set them aside under NRCP 60(b).<sup>1</sup> But he does not challenge the district court's determination that his NRCP 60(b) motion was premature, which was the basis for the court's denial of that motion, and we therefore conclude that he has waived any such argument. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived). Thus, we necessarily affirm the district court's order denying appellant's NRCP 60(b) motion.


While appellant's assertion can also be construed as a challenge to the district court's decision to dismiss his case based on claim preclusion or the permanent injunction against him, the district court was required to give preclusive effect to the federal courts' decisions in this matter. *See Stoll v. Gottlieb*, 305 U.S. 165, 170 (1938) (providing that a federal court's decision on a federal question is "final until reversed in an appellate court [with jurisdiction], or modified or set aside in the court of its rendition" (internal quotation marks omitted)); *Franklin v. Laughlin*, Docket No. 67364 (Order of Affirmance, July 23, 2015) (affirming the


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<sup>1</sup>As the district court entered its order denying appellant's NRCP 60(b) motion before entering the written order dismissing his case, the order denying the NRCP 60(b) motion is interlocutory, *see Div. of Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004) (explaining that dispositional court orders that deal with the merits of a case "must be written, signed, and filed before they become effective"), and we review it in the context of his appeal from the final judgment. *See Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (recognizing that the appellate court may review an interlocutory order in an appeal from the final judgment).

dismissal of a prior action that appellant had filed against respondents to quiet title to the subject property because the decisions of the federal courts in the matter precluded his claim); *see also Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008) (setting forth the test for determining whether claim preclusion applies). And, because the prior decisions in this matter preclude appellant's claim to quiet title to the subject property, the district court properly dismissed the complaint without addressing who has superior title to the subject property. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008) (reviewing a district court's order dismissing a complaint de novo and explaining that dismissal is appropriate when it appears beyond a doubt that the plaintiff can prove no set of facts that would entitle the plaintiff to relief). Consequently, we affirm the district court's order dismissing appellant's complaint.

It is so ORDERED.<sup>2</sup>

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

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

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

cc: Hon. Timothy C. Williams, District Judge  
Bobby Franklin  
Jolley Urga Wirth Woodbury & Little  
Eighth District Court Clerk

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<sup>2</sup>To the extent appellant seeks to raise a due process issue, his argument fails in light of our above conclusions.