

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PERCY LAVAE BACON,  
Appellant,  
vs.  
STATE OF NEVADA IN RELATION TO  
NEVADA DEPARTMENT OF  
CORRECTIONS; AND JAMES G. COX,  
Respondents.<sup>1</sup>

No. 70003

**FILED**

NOV 22 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing an inmate litigation matter. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Appellant, an inmate, sued respondents, the State of Nevada in relation to the Nevada Department of Corrections and its director, alleging that they executed on a life insurance death benefit he received in the amount of \$1700 and applied it against his criminal restitution obligation in violation of NRS 21.090, which exempts certain property from execution. Based on these allegations, appellant demanded that respondents return the \$1700 with interest compounded daily. He also sought declaratory and injunctive relief. Respondents moved to dismiss the action arguing that appellant's requested relief did not satisfy the district court's \$10,000 jurisdictional amount-in-controversy requirement. The district court orally held that appellant did not meet the jurisdictional

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<sup>1</sup>We direct the clerk of the court to conform the caption for this case to the caption on this order.

16-901415

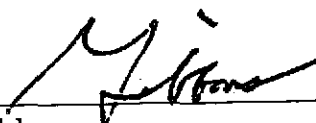
threshold and later entered a written order granting respondents' motion to dismiss. In that order, the district court also found that appellant's due process rights had not been violated. This appeal followed.

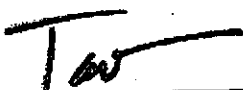
Appellant argues on appeal that respondents violated NRS 21.090 and his right to due process when they executed on the \$1700 life insurance benefit to offset his restitution obligation. But these arguments do not address the propriety of the district court dismissing appellant's action based on his failure to meet the jurisdictional \$10,000 threshold. *See Nev. Const. art. 6, § 6* (granting the district courts original jurisdiction over matters outside the justice courts' original jurisdiction); NRS 4.370(1)(b) (providing that the justice courts have original jurisdiction over actions for the taking of personal property when the damages do not exceed \$10,000).

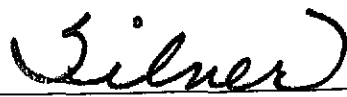
As to the jurisdictional issue, appellant presents a vague argument that seems to assert that the district court had jurisdiction over this matter because the district court in his criminal case entered a judgment that imposed a restitution obligation. But our research has revealed no exception to the jurisdictional amount-in-controversy requirement for any such circumstance. Aside from this assertion, appellant fails to develop any other arguments as to why the dismissal of his complaint based on his failure to meet the jurisdictional threshold was improper, and thus we conclude that he waived any such arguments. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived); *see also Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that the appellate court need not consider issues that are not cogently argued on appeal).

Accordingly, we affirm the dismissal of appellant's complaint.<sup>2</sup> See *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2009) (reviewing subject matter jurisdiction de novo); *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008) (explaining that dismissal for failure to state a claim on which relief can be granted is reviewed de novo on appeal and is appropriate when the plaintiff can prove no set of facts that would entitle him or her to relief).

It is so ORDERED.<sup>3</sup>

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

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

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

cc: Hon. Eric Johnson, District Judge  
Percy Lavae Bacon  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk

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<sup>2</sup>To the extent any of appellant's arguments are not specifically addressed in this order, we have considered those arguments and conclude they lack merit.

<sup>3</sup>Because appellant timely filed his informal brief in accordance with the Nevada Supreme Court's August 11, 2016, order, we deny the requests in his August 25, 2016, motion as moot.