

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Appellant,
vs.
CATHOLIC CHARITIES OF
SOUTHERN NEVADA; ST. VINCENT
APARTMENTS; AND THE STATE OF
NEVADA,
Respondents.

No. 73365

FILED

DEC 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

John Elvin Turner appeals from a district court order dismissing a civil rights complaint. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Turner filed his initial complaint in July of 2016, but did not serve it. In January 2017, he moved for leave to file an amended complaint. Turner served the motion in March of 2017, with a copy of the proposed complaint, and then filed a motion to extend time to serve the complaint in April 2017. The district court denied Turner's motion to file an amended complaint and dismissed the entire suit for failure to serve a complaint within 120 days pursuant to NRCP 4(i). This appeal followed.

We review district court orders granting a motion to dismiss for failure to timely serve for an abuse of discretion. *See Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 595, 245 P.3d 1198, 1200 (2010). The district court must dismiss a complaint that is not served within 120 days of filing unless the plaintiff files a motion to enlarge the time for service within the service period and shows good cause why service was not completed. *See* NRCP 4(i). "Only upon a showing of good cause for the delay in filing the motion to enlarge time" should the district court conduct any




further analysis of plaintiff's motion. *Saavedra-Sandoval*, 126 Nev. at 597, 245 P.3d at 1201.

Here, Turner's only service-related argument is to summarily assert that service was not completed because the "service providers" failed to follow his instructions. But Turner offers no explanation as to how this purported failure prevented him from filing a timely motion to extend the service period. Absent any such explanation, Turner has failed to demonstrate that good cause existed for his failure to timely move to extend the service period. *See id.*; *see also Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that points not supported by cogent argument need not be considered on appeal). Under these circumstances, we conclude that the district court did not abuse its discretion in dismissing Turner's case for failure to timely effectuate service of process. *See Saavedra-Sandoval*, 126 Nev. at 595, 245 P.3d at 1200.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

¹We reject as without merit all other pending requests for relief in this matter.

cc: Hon. Ronald J. Israel, District Judge
John Elvin Turner
Attorney General/Carson City
Lewis Roca Rothgerber Christie LLP/Las Vegas
Eighth District Court Clerk