

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMAL DAMON HENDRIX,
Appellant,
vs.
THE STATE OF NEVADA; OFFICE OF
THE ATTORNEY GENERAL; AND
ADAM P. LAXALT, ATTORNEY
GENERAL,
Respondents.

No. 74530

FILED

AUG 02 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

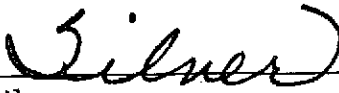
Jamal Damon Hendrix appeals from a district court order dismissing a civil rights complaint. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.


Hendrix, a prisoner, filed a civil rights complaint against respondents, alleging they sent him legal mail at Ely State Prison already opened thereby allowing prison officials to review the mail and retaliate against him. Respondents moved to dismiss on various grounds, and the district court granted the motion based upon the statute of limitations and failure to exhaust administrative remedies. This appeal followed.


An order granting an NRCP 12(b)(5) motion to dismiss is reviewed de novo. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). A decision to dismiss a complaint under NRCP 12(b)(5) is rigorously reviewed on appeal with all alleged facts in the complaint presumed true and all inferences drawn in favor of the plaintiff. *Id.* Dismissing a complaint is appropriate “only if it appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle [the plaintiff] to relief.” *Id.* at 228, 181 P.3d at 672.

Our review of the record and Hendrix's informal brief reveals that Hendrix has failed to state a claim against respondents. Any alleged conduct that could be viewed as stating a claim for constitutional violations was alleged to have been perpetrated by prison staff. The only conduct that respondents are alleged to have engaged in is either sending opened legal mail to Hendrix and/or creating a policy to send opened legal mail to the prison. Even if true, this conduct does not state a potential constitutional violation as there is no constitutional right to have mail sent to you in any particular form. Therefore, Hendrix's claims against respondents fail as a matter of law and dismissal was proper.¹ *See id.* Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Gary Fairman, District Judge
Jamal Damon Hendrix
Attorney General/Carson City
Attorney General/Las Vegas
White Pine County Clerk

¹This court will affirm district court orders that reach "the correct result, albeit for different reasons." *Rosenstein v. Steele*, 103 Nev. 571, 575, 747 P.2d 230, 233 (1987).