

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDAL N. WIIDEMAN,
Appellant.
vs.
DAVID LARSON,
Respondent.

No. 36898

FILED

JAN 17 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

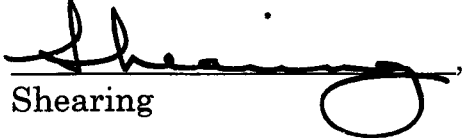
ORDER OF AFFIRMANCE


This is a proper person appeal from a district court order granting a motion for a change of venue in a prisoner's civil rights action. Randal Wiideman commenced this action in the First Judicial District Court in Carson City against David Larson, an employee of the Nevada Department of Prisons. Pursuant to NRS 13.020 and NRS 13.050(1), Larson filed and served a demand and a motion to change venue to the Sixth Judicial District Court in Pershing County, on the ground that no part of this action arose in Carson City. The motion was supported by a sworn affidavit from Larson stating that all events giving rise to this action occurred in Lovelock, Pershing County. Wiideman opposed the change of venue, asserting that the action arose in Carson City because that is where Larson's place of employment is located, Larson was served with process, and the events complained of occurred. On July 18, 2000, the district court granted the motion to change venue as a matter of right, and Wiideman appealed.


Where the trial court makes a determination based upon conflicting evidence, that determination will not be disturbed on appeal

where supported by substantial evidence.¹ Substantial evidence is that which a reasonable mind might accept as adequate to support a conclusion.² Upon reviewing the record on appeal, we conclude that Larson presented substantial evidence that this case was commenced in an improper venue. Accordingly, the district court did not err in granting his motion to change venue, and we hereby

AFFIRM the order of the district court.³


Shearing, J.


Rose, J.


Becker, J.

cc: Hon. Michael R. Griffin, District Judge
Attorney General/Carson City
Randal N. Wiideman
Pershing County Clerk

¹See Barelli v. Barelli, 113 Nev. 873, 880, 944 P.2d 246, 250 (1997).

²See Yamaha Motor Co. v. Arnoult, 114 Nev. 233, 238, 955 P.2d 661, 664 (1998).

³Although appellant was not granted leave to file papers in proper person under NRAP 46(b), we have considered the proper person documents received from appellant.