

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IVAN MICHAEL DOMINGUEZ,
Appellant,
vs.
SONYA CARRILLO (SDCC NURSE
PROVIDER); BEN GUTIERRES (SDCC
NURSE PROVIDER); AND ARANAS,
NDOC MEDICAL DIRECTOR,
Respondents.

No. 72458

FILED

SEP 28 2017

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

ORDER OF AFFIRMANCE

Ivan Dominguez appeals from a district court order dismissing a civil rights complaint. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

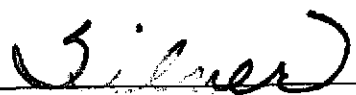
Dominguez filed a 42 U.S.C. § 1983 action against several individuals involved in his medical care while incarcerated. Thereafter, the defendants moved to dismiss the complaint for lack of jurisdiction and insufficiency of service of process. In making these arguments, the defendants noted, among other things, that no tort action arising out of an act or omission within the scope of a person's public duties or employment may be brought against any present or former employee of the State unless the State, on relation of the appropriate department or agency, is named as a defendant under NRS 41.031. NRS 41.0337(1).


Without addressing the subject matter jurisdiction issue, the district court dismissed Dominguez's complaint based on his failure to serve. Jurisdictional issues, however, can be raised at any time. *Landreth v. Malik*, 127 Nev. 175, 179, 251 P.3d 163, 166 (2011). And this court will affirm a district court's order if it reached the correct result, even if for the

wrong reason. *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010).

Here, the record demonstrates that Dominquez's complaint did not name the Nevada Department of Corrections—the state department whose actions formed the basis for his complaint—as a defendant. As a result, his complaint did not comply with the express requirements of NRS 41.0337(1) and NRS 41.031(2), and thus, the district court lacked subject matter jurisdiction over the underlying action. *See Rosequist v. Int'l Ass'n of Firefighters Local 1908*, 118 Nev. 444, 448, 49 P.3d 651, 653 (2002), *overruled on other grounds by Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 573 n.22, 170 P.3d 989, 995 n.22 (2007), (providing that a complaint may be dismissed for lack of subject matter jurisdiction when the absence of jurisdiction is apparent on the face of the complaint). Accordingly, for the reasons set forth above, we conclude that the district court did not err in dismissing Dominquez's case, and we therefore

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Joseph Hardy, Jr., District Judge
Ivan Michael Dominguez
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk