

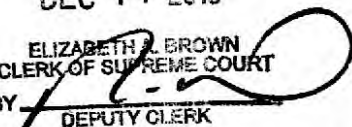
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY K. ANDERSON,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 78061-COA

FILED

DEC 11 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony K. Anderson appeals from a district court order denying an NRCP 60(b) motion in a civil rights action. Eighth Judicial District Court, Clark County; David Barker, Senior Judge.

Anderson filed an amended complaint on April 11, 2018, and a second amended complaint on May 15, 2018. The second amended complaint raised the same allegations as the first amended complaint but also included a state tort claim theory of liability. Respondent moved to dismiss the complaints, arguing that Anderson failed to exhaust his administrative remedies, he failed to state a claim upon which relief could be granted, and his claims against state officials in their official capacities must be dismissed. The district court heard argument,¹ granted respondent's motion, and dismissed Anderson's complaints. Anderson subsequently filed an NRCP 60(b) motion, and he now appeals from the district court's order denying that motion.

We will not interfere with a district court's denial of an NRCP 60(b) motion unless the district court abused its discretion. *Ford v. Branch Banking & Trust Co.*, 131 Nev. 526, 528, 353 P.3d 1200, 1202 (2015). The

¹Anderson was present and presented his arguments telephonically.

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Nevada Supreme Court has held that an abuse of discretion occurs when “the district court’s decision is not supported by substantial evidence,” which has been defined as evidence “a reasonable mind might accept as adequate to support a conclusion.” *Otak Nev., L.L.C. v. Eighth Judicial Dist. Court*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013) (internal quotation marks omitted).

The only claims in Anderson’s motion that fell within the parameters of NRCP 60(b) were the claims that the district court was mistaken in finding that Anderson had not exhausted his administrative remedies and the claim that Dr. Romeo Aranas committed fraud upon the court because he was not licensed to practice medicine. The district court made the following findings: The court was not mistaken when it found that Anderson failed to properly exhaust his administrative remedies. Anderson failed to support his allegations against Dr. Aranas. And Anderson failed to show that any mistake was made or any fraud was committed.

We conclude that substantial evidence supports the district court’s findings and the district court did not abuse its discretion by denying Anderson’s NRCP 60(b) motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Hon. David Barker, Senior Judge
Anthony K. Anderson
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk