

THE COURT OF APPEALS OF THE STATE OF NEVADA

VICTOR TAGLE, SR.,  
Appellant,  
vs.  
THE STATE OF NEVADA; NDOC; AND  
NDOC'S EMPLOYEES,  
Respondents.

No. 79688-COA

FILED

SEP 23 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Elizabeth A. Brown*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing an inmate litigation matter for failure to timely effect service of process or move the case forward as required by NRCP 41(e). Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Tagle initiated the underlying action, which appears to include torts and civil rights claims, against respondents the State of Nevada, the Nevada Department of Correction (NDOC) and "NDOC's Employees." The complaint was filed in February 2016, and after some initial activity throughout that year, there was no activity in the case from October 17, 2016, until January 9, 2019. Notably, on January 9, 2019, the district court entered an order noting that service had not been completed and that the case had been idle for some time with no efforts to move it forward. As a result, the court directed Tagle to file affidavits and supporting documents

to show good cause why the case should not be dismissed for failure to comply with NRCP 4(i) and NRCP 41(e).<sup>1</sup>

In February 2019, Tagle submitted a response, indicating that he did not remember anything related to the case, but asserting that if he had received summonses, he would have served defendants, although he later asserted he was not sure what happened with the service issue. He further requested additional time to respond so he could reassess what had happened to the case. Thereafter, the case again sat idle until September 3, 2019, when the district court entered an order dismissing the action. In so doing, the court noted that Tagle indicated he did not remember the case and that nothing had happened in the time since his response to the prior order had been filed. As a result, the court determined Tagle failed to show good cause for his failure to effect service or move the case forward, and dismissed the matter on that basis. This appeal followed.

On appeal, Tagle presents no arguments or discussion regarding the grounds on which the underlying case was dismissed. As a result, he has waived any such arguments. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (stating that

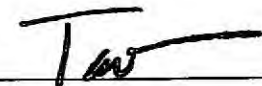
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<sup>1</sup>The NRCP were amended effective March 1, 2019. *In re Creating a Comm. to Update & Revise the Nev. Rules of Civil Procedure*, ADKT 0522 (Order Amending the Rules of Civil Procedure, the Rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules, December 31, 2018). Because the pertinent events giving rise to this appeal occurred before March 1, 2019, we cite the prior version of the NRCP herein.

issues not raised in appellant's opening brief are waived). For this reason, we necessarily

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Steve L. Dobrescu, District Judge  
Victor Tagle, Sr.  
Attorney General/Carson City  
White Pine County Clerk

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<sup>2</sup>Insofar as Tagle raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.