


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARNOLD KEITH ANDERSON,  
Appellant,  
vs.  
CCDC EMPLOYEES; HAILEY CROSBY;  
J. DILLON; MENING KELSEY; L.  
MURRAY; ALEXA; AND SGT.  
SICILLIANO,  
Respondents.

No. 84785-COA

FILED

NOV 16 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Arnold Keith Anderson appeals from an order of the district court dismissing a civil rights action without prejudice. Eighth Judicial District Court, Clark County; Christy L. Craig, Judge.

Anderson argues that the district court erred by dismissing the action for failure to effect timely service of process. Anderson contends that he completed service of process and, therefore, the district court should not have dismissed his complaint.

This court reviews an order dismissing a complaint for failure to effect timely service of process for an abuse of discretion. *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 595, 245 P.3d 1198, 1200 (2010). Under NRCP 4(e)(2), “[i]f service of the summons and complaint is not made upon a defendant before the 120-day service period . . . , the court must dismiss the action, without prejudice, as to that defendant upon motion or upon the court’s own order to show cause.” Similarly, under EDCR 1.90(b)(2), the district court has authority to dismiss “complaints not

served . . . within 180 days of filing” through “means of a dismissal calendar held at least monthly in each department.”

Anderson filed a civil rights action and did not complete personal service of the summons and complaint within 180 days. The respondents therefore requested a dismissal due to Anderson’s failure to complete personal service. Anderson opposed the request and contended that he attempted to serve the respondents via mail. The district court subsequently set the matter for a hearing as to whether it should be dismissed. At the resulting hearing, the district court dismissed this matter without prejudice pursuant to EDCR 1.90 because Anderson had been provided with a long time to complete service and he failed to do so.

On appeal, Anderson argues that he completed personal service of the summons and complaint. However, a review of the record provides nothing to support his claim that he properly completed personal service. See NRCP 4(c) (discussing how service of process is completed); NRCP 4.2(a) (discussing service upon an individual). Based on the record, we conclude that Anderson fails to demonstrate that the district court abused its discretion by dismissing the complaint without prejudice. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Christy L. Craig, District Judge  
Arnold Keith Anderson  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Eighth District Court Clerk