

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,
Appellant,
vs.
THE STATE OF NEVADA; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; NDOC PHARMACY;
STEVE SISOLAK; BARBARA K.
CEGAVSKE; AARON D. FORD; JAMES
DZURENDA; MICHAEL MINEV;
CALVIN JOHNSON; GREGORY BRIAN;
GREGORY MARTIN; JOHN DOE; JANE
DOE; N. PERET; BOB FAULKNER;
JAMES SCALLY; JULIE WILLIAMS;
GARY PICCININI; J. CABRERA; AND
JACQUES GRAHM,
Respondents.

No. 85758-COA

FILED
APR 27 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bryan Phillip Bonham appeals from a district court order of dismissal in a civil rights matter. Eighth Judicial District Court, Clark County; Elham Roohani, Judge.

Bonham, who is incarcerated, filed the underlying action on January 7, 2021, against the Nevada Department of Corrections (NDOC) and various officials, alleging they failed to provide him with his medications. The district court granted Bonham multiple extensions of time to serve the defendants, including a 60-day extension—granted over one year after Bonham filed the action—postponing the deadline until September 16, 2022. The court also set an in-chambers status check for September 23, 2022, for the purpose of determining whether Bonham had effectuated service. On the day before the scheduled status check, Bonham

filed an amended complaint naming additional defendants and asserting additional claims. Following the status check, the district court granted yet another extension of time for service until October 21, 2022, but it cautioned Bonham that it would dismiss the action if he failed to effectuate service by that date, as the action had been pending for over 20 months with no service upon the defendants.

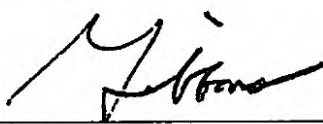
Bonham subsequently requested an additional extension of time, but after he failed to file proof of service on October 21, the district court entered an order dismissing the case without prejudice and denying all pending motions as moot. The district court cited the fact that Bonham had been granted five extensions over nearly two years, and it concluded that he failed to provide any adequate excuse for his delay in serving the defendants. With respect to the additional claims and defendants identified in Bonham's amended complaint, the court concluded that those claims and individuals were unrelated to the claims in the original complaint. Accordingly, the district court dismissed the action for lack of service as to the claims asserted in the original complaint, and it dismissed the remaining claims and defendants as having been improperly joined under NRCP 20(a)(2) and NRCP 21. This appeal followed.

On appeal, Bonham summarily contends that he has presented adequate evidence to show that NDOC and its officials were interfering with his access to the courts such that he was unable to timely effect service on any of the defendants. But we are not persuaded that the district court abused its discretion in determining that Bonham failed to demonstrate good cause for his delay and that dismissal of the action in part for lack of service was therefore warranted. *See Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 595, 245 P.3d 1198, 1200 (2010) (reviewing such

a decision for an abuse of discretion). Although he vaguely claims that various officials or employees have declined to take certain actions on his behalf in support of his service efforts, he fails to articulate why he believes that specific conduct was unlawful, and he fails to cogently explain why five extensions of time over the course of two years did not afford him enough time to effectuate service. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument). We therefore reject Bonham's argument on this point and affirm the dismissal insofar as it was based on lack of service.

With respect to the dismissal of the claims and defendants added in the amended complaint, Bonham fails to challenge the district court's determination that those claims and defendants were improperly joined under NRCP 20(a)(2) and NRCP 21. He has therefore waived the issue, *see Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised in an appellant's opening brief are deemed waived), and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

¹Insofar as Bonham raises 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.

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 11
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