


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Appellant,
vs.
DANIEL L. SCHWARTZ, ESQ., AN
INDIVIDUAL,
Respondent.

No. 87003-COA

FILED

SEP 27 2024

ELIZABETH A. BROWN
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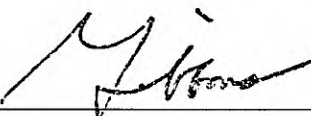
ORDER OF AFFIRMANCE

Matthew Travis Houston appeals from a district court order dismissing his complaint for failure to state a claim. Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

In the underlying action, Houston filed a 183-page complaint against respondent Daniel L. Schwartz, Esq. and others who are not parties to this appeal. In response, Schwartz moved to dismiss the complaint under NRCP 12(b)(5), arguing that Houston failed to state a claim against him. Schwartz also argued for dismissal under NRCP 12(b)(4) alleging that Houston had failed to serve him with the complaint. After considering Houston's opposition and the arguments of the parties, the district court entered an order granting Schwartz's motion and dismissing the action with prejudice. In so doing, the court found that Houston "failed to allege a claim for relief against [Schwartz]," noting that "Houston alleges that Schwartz was the attorney for Sedgwick, who was the adjuster for Mr. Houston's worker's compensation claim" and thus "attorney Schwartz was adverse to Mr. Houston and owed him no duties under Nevada law." Houston now appeals.

We generally review a district court order granting a motion to dismiss de novo. *Dezzani v. Kern & Assocs., Ltd.*, 134 Nev. 61, 64, 412 P.3d 56, 59 (2018). However, in his 70-page opening brief, Houston fails to address the district court's reasoning for dismissing his case or otherwise provide cogent argument suggesting that dismissal was improper. 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 on appeal are deemed waived); *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (holding that the court need not consider claims that are not cogently argued). Accordingly, we necessarily affirm the district court's decision to dismiss Houston's complaint with prejudice.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Nadia Krall, District Judge
Matthew Travis Houston
Hooks Meng & Clement
Eighth District Court Clerk

¹Insofar as Houston raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.