


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC GREENE,  
Appellant,  
vs.  
ACCESS SERVICES INC.,  
Respondent.

No. 88054-COA

FILED  
SEP 27 2024  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Cedric Greene appeals from a district court order dismissing his complaint for failure to prosecute under EDCR 1.90. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

Greene, a California resident, initiated the underlying tort action against respondent Access Services Inc., stemming from an alleged motor vehicle accident in which Greene's wife, Valerie Stephen, was struck by an open passenger door of an Access Services taxicab.

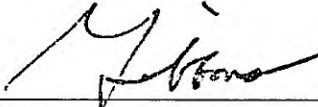
Greene later filed an affidavit of service asserting Access Services had been served, by e-mail, through Goodwill Southern California. Greene then filed a request for the entry of default and later moved for the entry of a default judgment. Greene also subsequently moved to change the place of trial to either the First or Second Judicial District Courts, citing delays in the time between when his submissions are received and when they are filed, in comparison to documents submitted by attorneys.

The district court held a hearing on Greene's venue change motion on November 28, 2023, at which no one appeared. The court orally denied the motion and further scheduled a show cause hearing for January 4, 2024, for Greene to appear and demonstrate why the case should not be

dismissed for, among other reasons, failure to prosecute under EDCR 1.90. The district court ultimately dismissed the case, without prejudice, pursuant to EDCR 1.90. This appeal followed.

On appeal, Greene fails to substantively address the grounds on which the district court dismissed his case or argue that the court failed to use the proper procedure in dismissing the case based on EDCR 1.90. Indeed, the only discussion of the district court's dismissal order in Greene's informal brief is in his statement of facts, which simply notes that the "order of dismissal was entered on January 26, 2024, but the decision was actually made on January 4, 2024." Under these circumstances, Greene has waived any argument that the dismissal of his case pursuant to EDCR 1.90 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 "[i]ssues not raised in an appellant's opening brief are deemed waived"). Accordingly, we affirm the district court's decision to dismiss this matter, without prejudice.

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Joanna Kishner, District Judge  
Cedric Greene  
Access Services Inc.  
Eighth District Court Clerk