


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC GREENE,
Appellant,
vs.
ST. VINCENT DE-PAUL-CARDINAL
MANNING CENTER,
Respondent.

No. 88517-COA

FILED

DEC 06 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cedric Greene appeals the dismissal of his underlying tort action for lack of personal jurisdiction and for failure to state a claim. First Judicial District Court, Carson City; James Todd Russell, Judge.

Greene, a California resident, initiated the underlying tort action against respondent St. Vincent De-Paul-Cardinal Manning Center. In his complaint, Greene alleged that he was falsely accused of using profanity by the shelter director and that he was forced to undergo searches prior to entering the shelter in public view—as opposed to in private, which he alleges is standard practice. According to Greene, St. Vincent placed him in “*unconstitutional conditions*” and subjected him to “*differential treatment*” which he contended entitled him to “monetary compensation for each day that he was under *differential treatment* to enter the homeless facility” (emphases in original).

St. Vincent subsequently moved to dismiss, asserting Nevada does not have personal jurisdiction over it, because it is a California

corporation, doing business only in California, with zero contacts or connections to Nevada. The motion further sought dismissal of the complaint for failure to state a claim on which relief could be granted on the basis that the statute of limitations had run. St. Vincent asserted that the last incident listed in the complaint was on November 29, 2021, and thus the limitations period ran on November 29, 2023. According to St. Vincent, Greene did not file his complaint until January 30, 2024, such that the complaint was untimely filed outside of the limitations period. Finally, St. Vincent's motion also sought to have Greene declared a vexatious litigant, noting that Greene had filed multiple cases against it in a short time period, with the first such case already having been dismissed for lack of personal jurisdiction.

Rather than opposing the motion to dismiss, Greene moved to strike the document, arguing that it listed the wrong case number and, thus, he could not oppose it. St. Vincent later filed a reply in support of its motion, effectively treating the motion to strike as an opposition, and Greene filed a document opposing the vexatious litigant request and seeking to have the district court determine jurisdiction was proper in the Nevada district court. In this filing, Greene expressly disclaimed opposing St. Vincent's failure to state a claim/statute of limitations-based argument for dismissal, noting that establishing jurisdiction in Nevada was more important at that time.

The district court subsequently entered an order that summarily granted the motion to dismiss based on both a lack of personal jurisdiction over St. Vincent and for failure to state a claim. The district

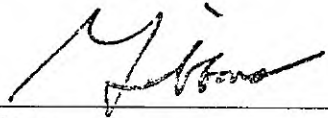
court further granted the request for a vexatious litigant order, noting that the court had previously declared Greene a vexatious litigant in another case. This appeal followed.

On appeal, Greene argues that jurisdiction is proper in Nevada, such that it was error for the district court to dismiss his complaint on personal jurisdiction grounds. With regard to the dismissal for failure to state a claim, however, Greene presents no arguments suggesting that dismissal on that ground was in error. Indeed, not only does Greene not present any arguments on this point, but he expressly acknowledges that he did not challenge the request to dismiss his complaint on this basis below “due to other reasons.”

As this court has previously stated, when a district court dismisses a case on multiple grounds and the appellant fails to challenge each alternative ground for dismissal, those challenges are waived, “thereby foreclosing [the] appeal as it concerns the district court’s dismissal ruling.” *See Hung v. Berhad*, 138 Nev. 547, 547-48, 513 P.3d 1285, 1286 (Ct. App. 2022). And here, Greene’s failure to challenge the district court’s alternative conclusion that the underlying complaint should be dismissed for failure to state a claim supports affirming the challenged dismissal order.¹ *Id.*

¹As noted above, Greene acknowledges that he failed to argue that dismissal of the complaint for failure to state a claim was unwarranted in responding to St. Vincent’s motion to dismiss. Thus, even if he had challenged the dismissal on this basis on appeal, any such arguments would be waived by his failure to raise them below. *See Old Aztec Mine, Inc. v.*

Accordingly, for the reasons set forth above, we
ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: First Judicial District Court, Department One
Cedric Greene
Mahe Law, Ltd.
LeVangie Law Group / Rancho Cordova
Carson City Clerk

Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (“A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”).

²Because Greene fails to present any arguments urging the reversal of the district court’s vexatious litigant determination, we do not address it. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived).