

25-2366

dismissed the case based on White's failure to properly perfect service of process.¹ This appeal followed.

We review the dismissal of a case for failure to effect timely service of process for an abuse of discretion. *Moroney v. Young*, 138 Nev. 769, 770, 520 P.3d 358, 361 (2022).

On appeal, White presents various arguments regarding his efforts to personally serve Valle, Graham, Williams and Garcia. But he presents no arguments regarding the propriety of the dismissal of his case with regard to Asimidakis and the State of Nevada for failure to serve these parties, and thus he has waived any challenge to these determinations. 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”).

Similarly, White fails to address or even acknowledge the district court’s decision that White’s failure to serve either of his complaints on the Attorney General’s office necessitated the dismissal of his action for failure to comply with the requirements of NRCP 4.2(d). This rule provides that, when a plaintiff sues the State of Nevada or a current or former employee of the State, the plaintiff must serve the summons and complaint on “the Attorney General, or a person designated by the Attorney General to receive service of process, at the Office of the Attorney General in Carson City.” NRCP 4.2(d)(1)(A). Because White does not address the district court’s finding that he failed to comply with this rule as to any of the

¹Although the district court’s dismissal order is silent on this point, under NRCP 4(e)(2) any dismissal of an action for failure to perfect service of process is, by rule, without prejudice.

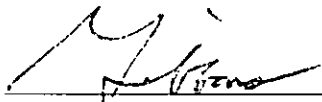
defendants, he has waived any challenge to that determination. *See Powell*, 127 Nev. at 161 n.3, 252 P.3d at 672 n.3.

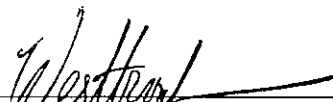
Here, the record demonstrates that more than 120 days had passed from the filing of both the original and amended complaints at the time the district court dismissed White's case. Because White has failed to address the district court's determination that dismissal for failure to properly serve either of his complaints was required because he failed to properly serve the summons and complaint on Asimidakis and the State of Nevada, and he failed to comply with NRCP 4.2(d) by serving the Attorney General or the person designated to receive service of process by the Attorney General, we discern no abuse of discretion in the district court's decision to dismiss White's case. *See Moroney*, 138 Nev. at 770, 520 P.3d at 361.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

 C.J.
Bulla

 J.
Gibbons

 J.
Westbrook

²Given the basis for our resolution of this matter, we need not address White's remaining appellate contentions.

cc: Hon. Tara D. Clark Newberry, District Judge
Toney Anthony White, III
Attorney General/Carson City
Eighth District Court Clerk