

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROY D. MORAGA,
Appellant,
vs.
CHARLES DANIELS AND KATHRYN
REYNOLDS,
Respondents.

No. 89141-COA

FILED

SEP 24 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ROY D. MORAGA,
Appellant,
vs.
CHARLES DANIELS AND KATHRYN
REYNOLDS,
Respondents.

No. 89688-COA

ORDER OF AFFIRMANCE

Roy D. Moraga brings these consolidated appeals from district court orders dismissing his complaint and denying his post-judgment motion for reconsideration in a civil rights action. First Judicial District Court, Carson City; Kristin Luis, Judge.

In March 2023, Moraga, an inmate, commenced the underlying proceeding against the former director of the Nevada Department of Corrections (NDOC), respondent Charles Daniels, and one of NDOC's employees, respondent Kathryn Reynolds (collectively referred to as respondents). In his complaint, Moraga asserted 42 U.S.C. § 1983 claims for violation of his due process and equal protection rights under the Fourteenth Amendment to the United States Constitution, alleging that respondents deprived him of his interest in an economic impact payment he

received pursuant to the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

Respondents eventually moved to dismiss Moraga's complaint, arguing that it was barred by the applicable statute of limitations, that he did not satisfy NRS 41.031(2)'s dual-service requirement, and that the allegations in his complaint were insufficient to state a due process or equal protection claim. Over Moraga's opposition, the district court entered an order dismissing his complaint for each of the reasons stated in respondents' motion. Further, the district court found that Moraga failed to satisfy NRS 41.031(2)'s naming requirement. Moraga filed the appeal in Docket No. 89141-COA to challenge the district court's dismissal order.

Several months later, Moraga filed an ex parte motion for reconsideration, which the district court denied without a hearing. For support, the district court determined that the documentation attached to Moraga's motion was not material to his due process and equal protection claims; that the court did not overlook, misunderstand, or misapply the law; and that Moraga failed to otherwise argue that its decision to dismiss his complaint was clearly erroneous. Moraga brought the appeal in Docket No. 89688-COA to challenge the denial of his motion.

When a district court dismisses a plaintiff's complaint because the plaintiff did not satisfy NRS 41.031(2)'s service and naming requirements or failed to state a claim for which relief could be granted, this court reviews the decision de novo. *See Craig v. Donnelly*, 135 Nev. 37, 40, 439 P.3d 413, 415 (Ct. App. 2019) (explaining that compliance with NRS 41.031(2)'s requirements is mandatory, such that dismissal for lack of subject matter jurisdiction is required if they are not satisfied); *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2009) (providing that subject

matter jurisdiction is a question of law subject to de novo review); *see also* *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (discussing the standard for reviewing dismissals pursuant to NRCp 12(b)(5)); *Bemis v. Est. of Bemis*, 114 Nev. 1021, 1024, 967 P.2d 437, 439 (1998) (“A court can dismiss a complaint for failure to state claim upon which relief can be granted if the action is barred by the statute of limitations.”).

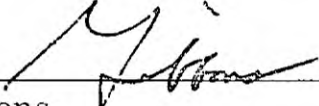
On appeal, Moraga disputes whether his complaint was barred by the applicable statute of limitations and whether he properly effected service of process. However, the district court dismissed Moraga’s complaint for four independent, alternate reasons—specifically, the court determined that (1) it was barred by the statute of limitations; (2) Moraga failed to satisfy NRS 41.031(2)’s naming requirement; (3) Moraga failed to satisfy NRS 41.031(2)’s service requirement; and (4) the allegations in his complaint were insufficient to state a claim for violation of his due process and equal protection rights. Because Moraga only challenges two of the district court’s four independent, alternate bases for the dismissal of his complaint, he forfeited any challenge to the unaddressed issues, *see Hung v. Genting Berhad*, 138 Nev. 547, 549-50, 513 P.3d 1285, 1287 (Ct. App. 2022) (explaining that when a district court resolves a case on multiple grounds, the appellant must successfully challenge each ground to obtain relief, and that the appellant’s failure to do so results in a forfeiture of unchallenged issues), and as a result, has not demonstrated that the district court erred by dismissing his complaint. *See Ogawa*, 125 Nev. at 667, 221 P.3d at 704; *see also Buzz Stew*, 124 Nev. at 227-28, 181 P.3d at 672.

Given the foregoing, we conclude that Moraga has likewise failed to demonstrate that the district court abused its discretion by denying

his motion for reconsideration. *See Saticoy Bay, LLC v. Thornburg Mortg. Secs. Tr. 2007-3*, 138 Nev. 335, 343, 510 P.3d 139, 146 (2022) (reviewing an order denying a motion for reconsideration for an abuse of discretion); *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976) (“Only in very rare instances in which new issues of fact or law are raised *supporting a ruling contrary to the ruling already reached* should a motion for rehearing be granted” (emphasis added)). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kristin Luis, District Judge
Roy Daniels Moraga
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk

¹Insofar as Moraga raises arguments that are not specifically addressed in this order, we do not address these arguments given our disposition of this appeal. For the same reason, we deny as moot Moraga’s August 15, 2025, “Motion for Reversible Error” and September 8, 2025, motion to extend his prison copy-work limit.