

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PERRY A. HOOD,  
Appellant,  
vs.  
JOHN S. PACULT, LCSW,  
Respondent.

No. 90261-COA

**FILED**

**SEP 24 2025**

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

*ORDER OF AFFIRMANCE*

Perry A. Hood appeals from a district court order dismissing his complaint in a civil rights action. First Judicial District Court, Carson City; Jason Woodbury, Judge.

In May 2024, Hood filed a civil rights complaint alleging respondent John S. Pacult, LCSW, conducted a psychosexual exam following Hood's no contest plea to one count of using a minor in pornography or as a subject of sexual portrayal in a performance. Following the examination, Pacult prepared a report which was allegedly incorporated into Hood's Pre-Sentence Investigation Report. Hood alleged that several of the findings or statements in the report were defamatory or otherwise not supported by a competent clinical evaluation. The district court allegedly relied upon this report when sentencing Hood to a minimum prison term of 10 years to life, and the Board of Parole Commissioners subsequently relied upon Pacult's findings in denying Hood parole.

Hood subsequently filed a certificate of service which averred that he served Pacult via certified mail pursuant to NRCP 5(b). Hood further provided a copy of the certified mail and a return receipt. After Pacult failed to file an answer or responsive pleading, Hood filed an

application for the entry of default and motion for a default judgment. Hood then filed a request for submission of his application and motion.

The district court denied the application and motion, finding that Hood failed to provide proof of service of the summons and complaint that complied with NRCP 4.2. The district court ordered Hood to provide sufficient proof of service in compliance with NRCP 4.2 before January 17, 2025, or the complaint would be dismissed. Following Hood's failure to provide proof of service, the district court dismissed the complaint in February 2025.<sup>1</sup>

Hood now appeals and argues the district court abused its discretion by dismissing his complaint because he provided proof of service by mail. We review "[a]n order granting a motion to dismiss for failure to effect timely service of process . . . for an abuse of discretion." *Abreu v. Gilmer*, 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999). We review a district court's interpretation of the NRCP de novo. *See Sabater v. Razmy*, 139 Nev. 495, 498, 538 P.3d 1145, 1148 (2023) (applying a de novo standard of review to a district court's interpretation of NRCP 12(b)). A plaintiff is responsible for "having the summons and complaint served under Rule 4.2, 4.3, or 4.4." NRCP 4(c)(1)(B). NRCP 4.2(a), which governs service on an individual in Nevada, does not authorize service of a summons and complaint via certified mail.

We conclude Hood has failed to establish a basis for relief because service by mail does not satisfy NRCP 4.2(a)'s service requirements.

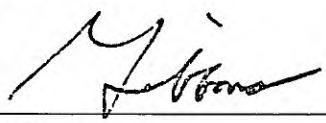
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<sup>1</sup>We note that in addition to failing to file proof of service following the district court's order, Hood likewise failed to file a motion requesting an alternative form of service under NRCP 4.4 and on appeal argues only that he properly completed service pursuant to NRCP 5(b).

*See, e.g., Morgan v. Savage*, No. 51594, 2009 WL 4279719, at \*2 (Nev. Nov. 24, 2009) (Order of Reversal and Remand) (holding that service of a complaint by mail was not valid service of process). Hood's certification of service indicated service was completed pursuant to NRCP 5(b). However, NRCP 5(b) does not govern service of complaints and instead governs post-complaint filings, such as orders or motions. *See* NRCP 5(a)(1). Accordingly, we conclude the district court did not commit legal error by determining mail service does not satisfy NRCP 4's service requirements and thus affirm the order of the district court.

It is so ORDERED.<sup>2</sup>

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

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

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

cc: Jason Woodbury, District Judge  
Perry Allison Hood  
John S. Pacult  
Carson City Clerk

<sup>2</sup>Insofar as Hood raises other arguments not specifically addressed in this order, we have considered the same and conclude they do not present a basis for relief.