

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ERICKSON,  
Appellant,  
vs.  
ODP BUSINESS SOLUTIONS, LLC,  
Respondent.

No. 90560-COA

**FILED**

**JAN 20 2026**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Michael Erickson appeals from a district court order of dismissal without prejudice in a civil action. Eighth Judicial District Court, Clark County; Erika L. Mendoza, Judge.

Erickson filed the underlying action on September 20, 2024, alleging, inter alia, that respondent ODP Business Solutions, LLC (ODP), engaged in deceptive trade practices. Erickson did not complete service of process on ODP, purportedly only serving it with a summons (but no complaint) in Delaware. Erickson filed an application for entry of a default pursuant to NRCP 55(a). Thereafter, the district court entered orders requiring Erickson to appear at a January 2025 hearing to show cause regarding his failure to prosecute this case. Erickson appeared at the hearing on the district court's orders to show cause and filed responses to the district court's orders to show cause. On April 1, 2025, the district court subsequently entered a written order dismissing Erickson's complaint without prejudice due to Erickson's failure to complete service of process within 120 days. This appeal followed.

This court reviews a district court's decision to dismiss a complaint based on the failure to timely effect service of process for an abuse

of discretion. *Saavedra-Sandoval v. Wal-Mart Stores*, 126 Nev. 592, 595, 245 P.3d 1198, 1200 (2010). “An abuse of discretion occurs if the district court’s decision is arbitrary or capricious or if it exceeds the bounds of law or reason.” *Skender v. Brunsonbuilt Constr. & Dev. Co.*, 122 Nev. 1430, 1435, 148 P.3d 710, 714 (2006) (internal quotation marks omitted).

A district court must dismiss a plaintiff’s complaint if the plaintiff fails to serve a defendant with process within 120 days of filing the complaint and fails to move for an enlargement of the time for service. See NRCP 4(e)(1) (“The summons and complaint must be served upon a defendant no later than 120 days after the complaint is filed, unless the court grants an extension of time under this rule.”); NRCP 4(e)(2) (providing that “[i]f service of the summons and complaint is not made upon a defendant before the 120-day service period—or any extension thereof—expires, the court must dismiss the action, without prejudice, as to that defendant upon motion or upon the court’s own order to show cause”).

The record demonstrates Erickson did not complete service of process on ODP within 120 days of the filing of the complaint and he did not file a motion to enlarge the time for service. On appeal, Erickson argues that the time for service of process should have been extended because he “lacked experience with the judiciary” and the resources to effectively prosecute his case. However, there exists no exception to the application of procedural rules for pro se litigants untrained in the law. See *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 659, 428 P.3d 255, 258-59 (2018) (noting that procedural rules cannot be applied differently to pro se litigants and that “a pro se litigant cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with basic procedural

requirements”), holding modified on other grounds by *Willard v. Berry-Hinckley Indus.*, 136 Nev. 467, 470-71 n.6, 469 P.3d 176, 180 n.6 (2020).

Moreover, to the extent Erickson argues his failure to serve the complaint upon ODP should be excused based on a lack of resources, he fails to present cogent argument in support of this issue. As a result, we conclude Erickson does not demonstrate he is entitled to relief. See *Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that appellate courts need not consider issues that are not supported by cogent argument); see also *Saavedra-Sandoval*, 126 Nev. at 596, 245 P.3d at 1201 (explaining a party must demonstrate good cause for an enlargement of time to complete service of process). Therefore, we conclude that Erickson does not demonstrate that the district court abused its discretion when it dismissed Erickson’s complaint without prejudice. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

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

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<sup>1</sup>Insofar as Erickson raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Erika L. Mendoza, District Judge  
Michael Erickson  
Backus | Burden  
Eighth District Court Clerk