

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAX E. ROBERSON,
Appellant,
vs.
HENDERSON POLICE DEPARTMENT,
Respondent.

No. 90924-COA

FILED

MAY 13 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Melissa J. Miller*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Max E. Roberson appeals from a district court order dismissing a complaint in a civil rights matter. Eighth Judicial District Court, Clark County; Tina Talim, Judge.

Roberson filed a complaint in the state district court in March 2022, claiming that the Henderson Police Department (HPD) violated his civil rights when he was arrested, interrogated, and held for 58 days on charges that were eventually dismissed. HPD successfully removed the case to federal district court where it was dismissed, and the dismissal was affirmed by the United States Court of Appeals for the Ninth Circuit.

In October 2024, Roberson filed the instant complaint in the district court seeking to “reopen or amend the original case.” HPD moved to dismiss, asserting that Roberson was precluded from litigating the issues and claims that had been dismissed by the federal court. Roberson thereafter failed to respond to the motion to dismiss. The district court subsequently granted the motion to dismiss, determining, among other reasons, that dismissal was warranted pursuant to EDCR 2.20(e) because Roberson’s failure to respond to the motion to dismiss amounted to an admission that the arguments were meritorious. This appeal followed.

Roberson asserts that HPD engaged in redundant and harassing document requests and sought potentially incriminating information. He requests guidance on how to proceed with the HPD's document requests so that sensitive information is safeguarded. He also asserts that the district court failed to hold oral argument or issue a ruling.

Under EDCR 2.20(e), the district court has the discretion to construe a party's failure to oppose a motion "as an admission that the motion . . . is meritorious and a consent to granting the same." See *Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278 & n.15, 182 P.3d 764, 768 & n.15 (2008) (reviewing a district court decision to grant a motion pursuant to EDCR 2.20(b) (now EDCR 2.20(e)) for an abuse of discretion). A court abuses its discretion if "no reasonable judge could reach a similar conclusion under the same circumstances." *Leavitt v. Siems*, 130 Nev. 503, 509, 330 P.3d 1, 5 (2014).

On appeal, Roberson fails to substantively address the grounds on which the district court dismissed his case in its written order or argue that the court failed to use the proper procedure in dismissing the complaint based on EDCR 2.20(e). Because Roberson has failed to challenge any of the various grounds on which the district court dismissed his petition, including dismissal pursuant to EDCR 2.20(e), he has forfeited any arguments related to the same. 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 forfeited); see also *Hung v. Genting Berhad*, 138 Nev. 547, 547-48, 513 P.3d 1285, 1286 (Ct. App. 2022) (stating that, when a district court resolves a case on multiple grounds and the appellant fails to challenge each alternative ground on appeal, those challenges are forfeited, "thereby foreclosing [the] appeal as it concerns the district

court's . . . ruling"). Moreover, Roberson's contention that the district court did not issue a ruling lacks merit as the court entered a written order granting the motion to dismiss.

Turning to Roberson's argument that the district court erred by granting the motion to dismiss without permitting oral argument, we determine that he is not entitled to relief. EDCR 2.23(c) states that a district court "may consider the motion on its merits at anytime with or without oral argument, and grant or deny it." Therefore, Roberson fails to demonstrate that the district court erred by granting the motion to dismiss without permitting oral argument. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tina Talim, District Judge
Max E. Roberson
Henderson City Attorney
Eighth District Court Clerk

¹Insofar as Roberson raises other arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.