



IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK VONSEYDEWITZ,
Appellant,
vs.
RAIN LIU, INDIVIDUALLY AND D/B/A
NEW ERA REALTY, LLC,
Respondents.

No. 91002

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order granting a motion to dismiss in a fair housing dispute. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Appellant Frederick Vonseydewitz sued respondents Rain Liu and New Era Realty, LLC (collectively, New Era) for violating the Fair Housing Act (FHA), 42 U.S.C. § 3604(c), and NRS 118.100 by stating in a rental property advertisement that applicants must have “no criminal record.” Vonseydewitz’s complaint alleged that Vonseydewitz, as a formerly incarcerated individual, was dissuaded from applying based on this restriction. Vonseydewitz argues such a restriction “disproportionately affects racial minorities.” New Era moved to dismiss Vonseydewitz’s complaint, arguing in relevant part that Vonseydewitz lacked standing to bring his claims because he never contacted New Era or applied to rent the property. The district court granted New Era’s motion, finding there was no subject-matter jurisdiction over the dispute because Vonseydewitz lacked standing. Vonseydewitz appeals.

We review a district court order of dismissal for failure to state a claim pursuant to NRCP 12(b)(5) de novo. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). “Standing is a

question of law reviewed de novo.” *Arguello v. Sunset Station, Inc.*, 127 Nev. 365, 368, 252 P.3d 206, 208 (2011). Generally, to establish standing, “a party must show a[n] injury and not merely a general interest.” *Schwartz v. Lopez*, 132 Nev. 732, 743, 382 P.3d 886, 894 (2016).

Accepting all allegations and facts in Vonseydewitz’s complaint as true, we conclude Vonseydewitz failed to demonstrate he has standing to bring this case. *Buzz Stew*, 124 Nev. at 228, 181 P.3d at 672. “Standing is the legal right to set judicial machinery in motion.” *Black v. Eighth Jud. Dist. Ct.*, 141 Nev., Adv. Op. 18, 567 P.3d 326, 330 (2025) (quoting *Heller v. Legislature*, 120 Nev. 456, 460, 93 P.3d 746, 749 (2004)). Vonseydewitz’s complaint alleges he “discovered housing advertisements posted by [New Era] . . . that explicitly stated ‘No criminal record.’” Vonseydewitz further alleged that, based on the “no criminal record” restriction, Vonseydewitz was “deterred from applying to [New Era’s] rental property . . . [b]elieving any application would be futile.” Without applying for, or inquiring into, New Era’s properties, Vonseydewitz cannot demonstrate that he has suffered an injury-in-fact caused by New Era that can be redressed by the courts. *Cf. Nat’l Ass’n of Mut. Ins. Cos. v. Dep’t of Bus. & Indus.*, 139 Nev. 18, 22-23, 524 P.3d 470, 476-77 (2023) (listing the requirements to establish standing). And although Vonseydewitz urges that deterrence is sufficient to demonstrate injury under the FHA at the pleading stage, Vonseydewitz has failed to show that New Era’s language indicates a “preference, limitation, or discrimination based on” a protected class. *See* 42 U.S.C. § 3604(c) (listing protected classes, including “race, color, religion, sex, handicap, familial status, or national origin”); *see also* NRS 118.100(1) (prohibiting housing discrimination based on “race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression,

ancestry, familial status, or sex”). Further, despite Vonseydewitz’s assertion that barring applicants with a criminal history disproportionately affects certain racial groups, he has not demonstrated that New Era’s advertisements indicate an impermissible racial preference for or against prospective renters. Thus, we conclude the district court did not err by dismissing Vonseydewitz’s complaint based on its finding that Vonseydewitz lacked standing to bring his claims.

Further, the district court did not abuse its discretion by not giving Vonseydewitz an opportunity to amend his complaint when he failed to adequately request leave to amend his complaint. *See Whealon v. Sterling*, 121 Nev. 662, 665, 119 P.3d 1241, 1244 (2005) (explaining that we review a district court’s decision on a motion to amend pleadings for an abuse of discretion). Although courts “should freely give leave when justice so requires,” NRCP 15(a)(2), because Vonseydewitz sought to amend the complaint outside NRCP 15(a)(1)’s limits, he was required to first obtain the court’s leave. NRCP 15(a)(2). The record does not demonstrate that Vonseydewitz sought leave to amend his complaint or that Vonseydewitz provided the district court with “any allegations, statement or information about the nature or substance of the . . . proposed amendment.” *Adamson v. Bowker*, 85 Nev. 115, 121, 450 P.2d 796, 801 (1969) (“Where there is no showing of the nature or substance of the proposed amendment or what the appellant expects to accomplish by it, a reviewing court cannot say a trial court abused its discretion in denying leave to amend.”); *see also Mills v. Cont’l Parking Corp.*, 86 Nev. 724, 726, 475 P.2d 673, 674 (1970) (rejecting claim that the district court erred by refusing leave to amend a complaint where the record did not show that the plaintiff requested leave to amend). Because Vonseydewitz did not move to amend the complaint, we reject

Vonseydewitz's claim that the district court abused its discretion in refusing to allow amendment. Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED.¹



Herndon, C.J.



Bell, J.



Stiglich, J.

cc: Hon. Tierra Danielle Jones, District Judge
Frederick Vonseydewitz
Bremer Whyte Brown & O'Meara, LLP/Las Vegas
Eighth District Court Clerk

¹We have considered Vonseydewitz's other arguments and conclude that they do not warrant a different result.