

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH CHARLES MCKNIGHT,
Appellant,
vs.
STEP ONE, INC.,
Respondent.

No. 59013

FILED

NOV 16 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingerson
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing a tort action. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


On consideration of appellant's civil proper person appeal statement and the record on appeal, we conclude that the district court did not abuse its discretion by dismissing appellant's action because appellant failed to demonstrate that process was timely served on respondent.¹ See NRCP 4(i) (mandating that an action be dismissed if the summons and complaint are not served within 120 days after the complaint is filed); see also Saavedra-Sandoval v. Wal-Mart Stores, 126 Nev. ___, ___, 245 P.3d

¹The majority of appellant's arguments on appeal focus on the substantive merits of his complaint. Because the district court properly dismissed the action under NRCP 4(i), we do not reach the underlying merits of the action. Additionally, appellant's argument that he should have been appointed counsel does not warrant reversal. See Rodriguez v. Dist. Ct., 120 Nev. 798, 804, 102 P.3d 41, 45 (2004) (explaining that the Sixth Amendment guarantee of counsel only applies to criminal proceedings).

1198, 1200 (2010) (providing that this court reviews a district court's order dismissing an action for failure to serve process for an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Patrick Flanagan, District Judge
Kenneth Charles McKnight
Ray Lego & Associates
Washoe District Court Clerk

²We direct the clerk of this court to file the notice of change of address provisionally received on December 12, 2011. We conclude that no action needs to be taken on this document.