

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES B. FRITSCHÉ,
Appellant,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS; THE STATE OF
NEVADA; QUENTIN BYRNE; MRS.
FEIL; AND MRS. JENKINS,
Respondents.

No. 64630

FILED

MAY 29 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER OF AFFIRMANCE

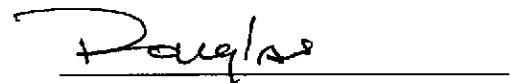
This is a pro se appeal from a district court order granting a motion to dismiss in a civil rights action. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

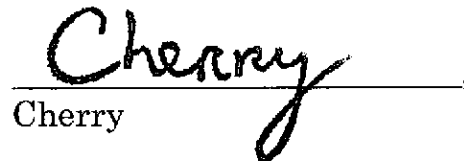
Having considered appellant's appeal statement and the record on appeal, we conclude that the district court was within its discretion in dismissing appellant's complaint for failure to hold the NRCP 16.1 case conference. *See Arnold v. Kip*, 123 Nev. 410, 414, 168 P.3d 1050, 1052 (2007) (reviewing a district court's decision to grant a motion to dismiss under NRCP 16.1(e) for an abuse of discretion). In particular, if the case conference is not held within 180 days of a defendant's appearance, "compelling and extraordinary circumstances" must exist in order for the district court to permit the case conference to be held beyond 180 days. NRCP 16.1(b)(1), (e)(1). We recognize appellant's argument that it would have been difficult for him to schedule the conference. It is undisputed, however, that he made no effort to communicate with respondents in an attempt to schedule the conference or in an attempt to

encourage respondents' counsel to arrange for the conference.¹ See NRCP 16.1(g) (specifying that pro se plaintiffs are not excused from holding a case conference). Given these undisputed facts, the district court was within its discretion when it found that compelling and extraordinary circumstances did not exist to justify an extension of NRCP 16.1(e)'s 180-day time frame. We therefore

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Cherry

cc: Hon. Jim C. Shirley, District Judge
Charles Ben Fritsche
Attorney General/Carson City
Pershing County Clerk

¹Although appellant suggests that he sought out the district court's assistance by filing a "Request for Submission," that filing did not cite NRCP 16.1 or otherwise allude to a case conference so as to put the district court on notice that appellant was seeking the district court's assistance in that regard.