

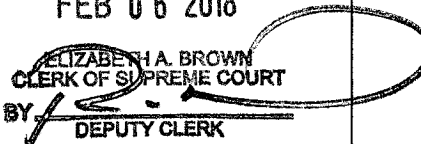
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DASHAUN WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA, et al.,¹
Respondents.

No. 73003

FILED

FEB 06 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Dashaun Wright appeals from a district court order dismissing a civil rights action. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Wright contends that respondents, in their official and individual capacities, violated his Fourteenth Amendment right by failing to grant him relief in his numerous other, unrelated court filings. The district court dismissed Wright's underlying civil rights complaint for failure to state a claim on which relief could be granted and this appeal followed. Having considered the record and Wright's informal brief, we conclude that the district court did not err in dismissing the underlying action.

First, to the extent Wright has named numerous state agencies and officials acting in their official capacities, his civil rights complaint pursuant to 42 U.S.C. § 1983 fails. As relevant here, "neither states nor their officials acting in their official capacities are persons under 42 U.S.C. § 1983 and therefore neither may be sued in state courts under the federal civil rights statutes." *See N. Nev. Ass'n of Injured Workers v. Nev. State*

¹We hereby direct the clerk of this court to amend the caption to conform to the caption on this order.

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Indus. Ins. Sys., 107 Nev. 108, 114, 807 P.2d 728, 732 (1991) (citing *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989))).

With regard to Wright's remaining claims against respondents in their individual capacities, the district court provided Wright with an opportunity to demonstrate an arguable basis for his complaint in law or in fact and an opportunity to amend his complaint to cure its defects, but Wright's supplemental points and authorities failed to provide any legal support for his cause of action alleging that respondents irreparably injured him by failing to grant him relief in his other cases. Following his review of the complaint and supplemental points and authorities, the district court concluded that Wright's complaint failed to allege any facts that, if true, would entitle him to relief, and that his claims were without support in existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law.

Based on our review of the record, we agree that, even taking Wright's allegations as true, his complaint fails to state a claim upon which relief can be granted. *See State v. Eighth Judicial Dist. Court (Anzalone)*, 118 Nev. 140, 153, 42 P.3d 233, 241 (2002) (providing that, to prevail on a civil rights complaint pursuant to 42 U.S.C. § 1983, a plaintiff must prove that the alleged conduct, as relevant here, "deprived the plaintiff of rights, privileges, or immunities secured by the Constitution or laws of the United States."). Moreover, Wright has failed to offer any cogent arguments as to how any of the alleged conduct at issue amounts to a violation of his constitutional rights. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (concluding that this court need not consider claims that are not cogently argued).

Further, based on our conclusion that Wright's complaint failed to state a claim, we cannot say the district court abused its discretion in concluding that the complaint was without support in existing law or by a

reasonable argument for a change in existing law. See NRCP 11(b)(2) and (c) (permitting a district court to impose sanctions on an unrepresented party for filing an action that is not “warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law”); see also *Jordan v. State, Dep't of Motor Vehicles*, 121 Nev. 44, 57–58, 110 P.3d 30, 40–41 (2005) (recognizing that NRCP 11 permits a district court to sua sponte dismiss a frivolous complaint after giving the plaintiff notice and an opportunity to oppose the dismissal), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 181 P.3d 670 (2008). Accordingly, we affirm the district court’s dismissal of Wright’s complaint.

Wright also asserts on appeal that the district court abused its discretion in referring him to the director of the Nevada Department of Corrections for forfeiture of good time credits pursuant to NRS 209.451. As discussed above, Wright's complaint was not supported by existing law, and thus, the district court did not abuse its discretion by directing the sanction and we therefore affirm that determination. See NRS 209.451(1)(d); see also *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 243, 252, 235 P.3d 592, 598 (2010) (explaining that this court reviews a district court's decision to impose a sanction for an abuse of discretion).

It is so ORDERED.



_____, C.J.
Silver



_____, J.
Tao



_____, J.
Gibbons

cc: Hon. Steve L. Dobrescu, District Judge
Dashaun Wright
Attorney General/Carson City
White Pine County Clerk