

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDERICK VONSEYDEWITZ,
Appellant,


vs.

THE STATE OF NEVADA; NEVADA
BOARD OF PRISON
COMMISSIONERS; BRIAN
SANDOVAL; ADAM P. LAXALT; ROSS
MILLER; CATHERINE CORTEZ-
MASTO; THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
JAMES GREG COX; HOWARD
SKOLNIK; NEVADA PAROLE BOARD;
CONNIE S. BISBEE; THE STATE OF
NEVADA DEPARTMENT OF PUBLIC
SAFETY; AND JAMES WRIGHT,
Respondents.

No. 78549-COA

FILED

DEC 11 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Frederick Vonseydewitz appeals from an order of the district court granting summary judgment in favor of respondents. Eighth Judicial District Court, Clark County; James Crockett, Judge.

Vonseydewitz filed a civil rights complaint against the respondents, alleging he was entitled to monetary damages because the Nevada Department of Corrections had violated his constitutional rights by improperly denying him statutory good time credits and a timely parole hearing. Respondents filed a motion for summary judgment, arguing

Vonseydewitz' claim was moot because he had already had parole hearings, he had no right to a parole hearing, and respondents were entitled to qualified immunity. The district court granted respondents' motion. This appeal followed.

This court reviews a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence must be viewed in a light most favorable to the nonmoving party. *Id.*

Our review of the record demonstrates that the district court erred because it did not consider and analyze the claim actually raised by Vonseydewitz. The district court considered whether Vonseydewitz had improperly been deprived of a parole hearing, but the district court did not address Vonseydewitz' assertion that his rights were violated by the improper denial of statutory good time credits. Because the district court's order did not address Vonseydewitz' claim concerning the violation of his rights due to the improper denial of his statutory good time credits, we reverse the district court's grant of summary judgment and remand for further proceedings consistent with this order. *See ASAP Storage, Inc. v. City of Sparks*, 123 Nev. 639, 656-57, 173 P.3d 734, 746 (2007) (reversing and remanding a portion of a district court order granting summary

judgment because the order failed to set forth the undisputed material facts and legal determinations supporting its decision). Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND¹ this matter to the district court for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James Crockett, District Judge
Frederick Vonseydewitz
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

¹Although this court generally will not grant a pro se appellant relief without first providing respondents an opportunity to file an answering brief, *see* NRAP 46A(c), the filing of an answering brief would not aid this court's resolution of this case, and thus, no such brief has been ordered.