# IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE GUADALUPE TELLO,
Appellant,
vs.
MARY K. BAKER, SUPERVISOR OF
THE BOARD OF PAROLE
COMMISSIONERS OF NEVADA;
RENEE BAKER, WARDEN; JAMES
DZURENDA, NDOC,
Respondents.

No. 85362-COA

**FILED**

JUN 09 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

## ORDER OF AFFIRMANCE

Jose Guadalupe Tello appeals from a district court order dismissing his complaint in a civil rights action. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Tello, an inmate, commenced the underlying civil rights action against respondents, who are a commissioner on the Nevada Board of Parole Commissioners, an employee of the Nevada Department of Corrections (NDOC), and the director of NDOC. One year later, the district court dismissed Tello's case because he had not served the respondents with a copy of the summons and complaint within the time for doing so. This appeal followed.

This court reviews the district court's decision to dismiss a complaint for failure to timely serve process for an abuse of discretion. *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 595, 245 P.3d 1198, 1200 (2010).

On appeal, Tello argues the merits of his underlying civil rights claims. However, Tello fails to address the propriety of the district court's

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decision to dismiss his case for failure to timely effect service of process, and he has waived any challenge to that decision as a result. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived). Consequently, we conclude that Tello has failed to establish that the district court abused its discretion by dismissing his complaint. *See Saavedra-Sandoval*, 126 Nev. at 595, 245 P.3d at 1200. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Bulla

_____, J.
Westbrook

cc:  Hon. Jim C. Shirley, District Judge
     Jose Guadalupe Tello
     Attorney General/Carson City
     Clerk of the Court/Court Administrator