

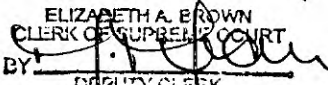
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Appellant,
vs.
BRIAN P. CLARK,
Respondent.

No. 85747-COA

FILED

AUG 07 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Matthew Travis Houston appeals from an order of the district court granting a motion to dismiss in a civil action. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Houston filed a complaint in which he appeared to allege that respondent Brian P. Clark made false allegations regarding Houston. Houston also appeared to assert that persons in the custody of the Nevada Department of Corrections caused Houston to fear for his safety. In addition, Houston referenced several other civil and criminal court matters.

Clark moved to dismiss pursuant to NRCP 12(b)(5) and argued that dismissal was warranted because Houston's complaint was "so vague as to be incomprehensible" and it did not identify a cause of action. Houston did not oppose the motion to dismiss. The district court concluded that dismissal was appropriate under EDCR 2.20(e) after Houston failed to oppose the motion to dismiss. This appeal follows.

An order granting an NRCP 12(b)(5) motion to dismiss is reviewed de novo. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). Under EDCR 2.20(e), "[f]ailure of the opposing party to serve and file written opposition may be construed as an

admission that the motion and/or joinder is meritorious and a consent to granting the same.”

On appeal, Houston does not provide cogent argument concerning the district court’s decision to grant the motion to dismiss. Because Houston has neglected to address any specific contention of error in his briefs or otherwise address the grounds the district court relied on to dismiss his case, and has failed to set forth any cogent argument in support of his appellate concerns, we need not consider his bare allegations. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument).

Houston also appears to argue on appeal that the district court was biased against him. We conclude that relief is unwarranted because Houston has not demonstrated that the district court’s decisions in the underlying case were based on knowledge acquired outside of the proceedings and the decision does not otherwise reflect “a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Canarelli v. Eighth Judicial Dist. Court*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); *see In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally “do not establish legally cognizable grounds for disqualification”); *see also Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213,

233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). Therefore, Houston is not entitled to relief based on this claim. Accordingly, for the reasons set forth above, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Eric Johnson, District Judge
Matthew Travis Houston
Clark McCourt, LLC
Eighth District Court Clerk

¹We have reviewed the documents Houston has filed in this matter, and we conclude no relief based upon those submissions is warranted. In addition, insofar as Houston raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.