

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT BEADLES, AN INDIVIDUAL,  
Appellant,

vs.

JAMIE RODRIGUEZ, IN HER  
OFFICIAL CAPACITY AS REGISTRAR  
OF VOTERS AND IN HER PERSONAL  
CAPACITY; WASHOE COUNTY  
REGISTRAR OF VOTERS, A  
GOVERNMENT AGENCY; ERIC  
BROWN, IN HIS OFFICIAL CAPACITY  
AS WASHOE COUNTY MANAGER  
AND IN HIS PERSONAL CAPACITY;  
ALEXIS HILL, IN HER OFFICIAL  
CAPACITY AS CHAIRWOMAN OF  
WASHOE COUNTY BOARD OF  
COMMISSIONERS AND IN HER  
PERSONAL CAPACITY; AND WASHOE  
COUNTY, A POLITICAL SUBDIVISION  
OF THE STATE OF NEVADA,  
Respondents.

No. 87683

FILED

MAY 15 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a pro se appeal from district court orders denying a motion to change venue and granting a motion to dismiss appellant's complaint.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Robert Beadles informed respondents that he believed there were election law violations in the 2020 election and there

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<sup>1</sup>Having considered the pro se brief, we conclude that a response is not necessary. NRAP 46A(c). This appeal, therefore, has been submitted for decision based on the pro se brief, the pro se amicus brief, and the record. See NRAP 34(f)(3).

were continuing breaches of legal procedures.<sup>2</sup> When respondents did not directly respond to Beadles, he filed the underlying complaint alleging that (1) respondents violated Nevada Constitution Article 1, Section 10; Article 2, Section 1A(11); Article 15, Section 2; and NRS 293.2546(11) by not responding to his allegations and (2) because of their failure to respond to his allegations, they should be removed from office.<sup>3</sup> The district court denied Beadles' second motion to change venue and then granted respondents' motion to dismiss the complaint.

First, we conclude the district court did not manifestly abuse its discretion when it denied Beadles' request to change venue. *See Sicor, Inc. v. Hutchison*, 127 Nev. 904, 911, 266 P.3d 608, 613 (2011) (stating that this court reviews the denial of a motion to change venue for a manifest abuse of discretion). Beadles originally filed this action in the Second Judicial District Court and was successful in having venue changed from that court. But instead of transferring the matter to the Third Judicial District Court as requested by Beadles, the Second Judicial District Court concluded that the issues with venue could be alleviated by transfer to the First Judicial District Court, which would be a more convenient forum for witnesses than the Third Judicial District Court. Thereafter, considering the factors laid

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<sup>2</sup>We permitted amicus to file a brief in support of Beadles but conclude that brief does not support a different result here, as that brief focused on the allegations presented to respondents, not on whether the district court erred in denying the motion to change venue or in granting the motion to dismiss the complaint.

<sup>3</sup>While Beadles asserted other reasons outside of his complaint as bases for removing respondents from office, he did not include those allegations in his complaint, and the district court specifically said it could not consider his rogue exhibits filed in that court.

out in *National Collegiate Athletic Association v. Tarkanian*, 113 Nev. 610, 612, 939 P.2d 1049, 1051 (1997), the First Judicial District Court concluded that Beadles failed to demonstrate a need to change venue once again. The record on appeal supports the district court's conclusion that Beadles did not demonstrate a reasonable likelihood that an impartial trial could not be had in the First Judicial District Court. *Id.* at 612, 939 P.2d 1051 (explaining that a change of venue may be necessary when there is a reasonable likelihood that an impartial trial is not possible in that venue). Thus, we affirm the district court's order denying Beadles' motion to change venue.

Second, we conclude the district court properly granted respondents' motion to dismiss the complaint because, taking all the factual allegations in the complaint as true and drawing every inference in favor of Beadles, he can prove no set of facts that would entitle him to relief as pleaded. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (reviewing de novo a district court's dismissal of a complaint under NRCP 12(b)(5)). Further, we conclude the district court did not abuse its discretion in denying Beadles' alternative request for a writ of mandamus on the same grounds. *See Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006) (stating that this court reviews a district court's denial of mandamus relief for an abuse of discretion).

Article 1, Section 10 of the Nevada Constitution guarantees the right to assemble and petition the Legislature. There are no set of facts that could prove a violation of that constitutional right based on respondents' failure to respond directly to Beadles' allegations.

Article 2, Section 1A, Subsection 11 of the Nevada Constitution and NRS 293.2546(11) permit a voter "[t]o have complaints about elections

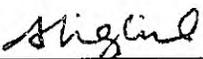
and election contests resolved . . . as provided by law.” Thus, the law permits a voter to file a complaint with the Secretary of State’s office, NAC 293.025, or with the clerk of the district court, NRS 293.407. These laws do not establish that respondents had a duty to respond to Beadles’ allegations. Additionally, because the constitutional provision is not self-executing, it does not establish a private right of action. *See Mack v. Williams*, 138 Nev., Adv. Op. 86, 522 P.3d 434, 441-42 (2022) (explaining that a private right of action to enforce the Nevada Constitution is permitted if the constitutional provision is self-executing). Thus, no set of facts could prove that respondents violated Nevada Constitution, Article 2, Section 1A, Subsection 11 or NRS 293.2546(11) by not responding to Beadles.

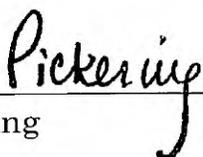
Article 15, Section 2 of the Nevada Constitution requires all public officers to take an oath to support the Constitution and faithfully perform the duties of their office. Because none of respondents’ duties of their offices required them to respond to allegations regarding elections, Beadles can prove no set of facts demonstrating respondents violated this constitutional provision.

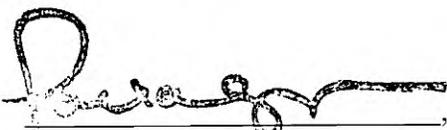
Regarding Beadles’ cause of action for removal of respondents from office, there is also no set of facts that would warrant relief as pleaded by Beadles. Beadles’ reliance on NRS 266.430 is misplaced because that statute provides for the removal of the mayor or a municipal officer of an incorporated city or town and none of the respondents fall into those categories. While NRS 283.440 provides a procedure for the removal of certain public officers for malfeasance or nonfeasance, as discussed above, because none of the respondents had a duty to respond to Beadles’ allegations, he can prove no set of facts, as pleaded, to demonstrate

respondents' malfeasance or nonfeasance.<sup>4</sup> Thus, we conclude the district court properly granted respondents' motion to dismiss the complaint, and accordingly we

ORDER the judgment of the district court AFFIRMED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. James Todd Russell, District Judge  
Robert Beadles  
Attorney General/Carson City  
Washoe County District Attorney  
Olena Alexander  
David Chamberlain  
Janice Hermsen  
Oscar Williams  
Carson City Clerk

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<sup>4</sup>To the extent Beadles is attempting to rely on the allegations of election law violations and breaches of legal procedures that he reported to respondents to demonstrate malfeasance or nonfeasance, his complaint does not allege removal is necessary because of those allegations, and those allegations would be best raised through a complaint filed with the Secretary of State. NAC 293.025.

<sup>5</sup>Beadles appears to argue in his brief that the district court abused its discretion by awarding respondents their attorney fees. The record before this court demonstrates that the district court withdrew that order and Beadles has not thereafter appealed from another order regarding attorney fees.