

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY ROY SALAZAR,
Appellant.

No. 82667

FILED

AUG 02 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
By *S. Young*
DEPUTY CLERK

ORDER REGARDING PRO BONO COUNSEL

This is an appeal from a district court order dismissing appellant's petition for name change. Having considered the documents transmitted by the district court, the record on appeal, and appellant's informal opening brief, this court has determined that the appointment of pro bono counsel to represent appellant would assist this court in reviewing this appeal. By this order, the court expresses no opinion as to the merits of this appeal.

Pro bono counsel is an attorney who provides legal services without charge for the benefit of the public good. The appointment of pro bono counsel provides attorneys with an opportunity to volunteer legal services in furtherance of their professional responsibility and, at the same time, allows financially eligible litigants access to quality legal representation without cost. Counsel will be appointed for purposes of this appeal only and will participate in oral argument. Currently, the Pro Bono Committee of the Appellate Litigation Section of the State Bar of Nevada (Pro Bono Committee), in conjunction with the Legal Aid Center of Southern Nevada, has developed a pro bono appellate program to assist the public and this court. This case is hereby referred to the program established by

the Pro Bono Committee to evaluate whether appellant can benefit from the program.

Accordingly, the clerk of this court shall transmit a copy of this order and the attached case summary and district court order to the Legal Aid Center of Southern Nevada for financial eligibility screening. If appellant qualifies and does not object to pro bono counsel, the Legal Aid Center in cooperation with the Pro Bono Committee shall locate a volunteer attorney from the program to represent appellant. Once an attorney is located, the attorney shall file a notice of appearance in this court within 60 days from the date of this order. Briefing and oral argument will be scheduled thereafter. Alternatively, if appellant is not financially eligible or objects to pro bono representation, or if a volunteer attorney cannot be located, the Legal Aid Center of Southern Nevada shall notify this court in writing within 60 days from the date of this order. In such case, oral argument will not be held. The proceedings in this appeal shall be suspended pending further order of this court.

It is so ORDERED.

1. Sardeshy, C.J.

cc: Anthony Roy Salazar
Legal Aid Center of Southern Nevada, Barbara E. Buckley,
Executive Director
Anne R. Traum, Coordinator, Appellate Litigation Section,
Pro Bono Committee, State Bar of Nevada
Kelly Dove

Docket No. 82667

In re: Petition for Change of Name (Salazar)

Appellant is incarcerated in High Desert State Prison, and filed a petition for name change to conform to appellant's gender identity. Appellant asserts in the opening brief that the district court issued conflicting instructions regarding how to proceed and that appellant was in the process of attempting to comply with the instructions, but that the district court then sua sponte and without notice, dismissed the petition on the ground that no action had been taken for 3 months on a matter that had been active for 6 months.

Alvin B. Smith
CLERK OF THE COURT

1 ODWP

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 *****

5 In the Matter of the Petition for
6 Change of Name by:
7 Anthony Roy Salazar, Petitioner

CASE NO: D-20-611509-N
DEPARTMENT F

8 **ORDER OF DISMISSAL WITHOUT PREJUDICE**

9
10 After reviewing the pleadings in this case, and good cause appearing, **THE COURT**
11 **FINDS** that this action should be dismissed pursuant to statute and/or local court rule.

12 ☐ Failure to serve the Summons and Complaint upon Defendant within 120 days of
filing. NRCP 4(e)(2).

13 ☐ Failure to hold the mandatory discovery meeting described in Rule 16.1(b) within
14 one hundred and eighty (180) days from serving the Summons and Complaint upon
Defendant. NRCP 16.1 (e)(1).

15 ☐ Failure by Plaintiff to file a case conference report within two hundred and forty
16 (240) days after service of an answer by Defendant. NRCP 16.1(e)(2).

17 ☒ Failure to take action for more than three months in a case that has been pending for
18 more than six months. EDCR 5.526.

19 ☐ Failure to bring the case to trial within two years after case initiation. NRCP
20 41(e)(1)(A).

21 ☐ Failure to bring the case to trial within five years after case initiation. NRCP
22 41(e)(2)(B).

23 Therefore, **THE COURT HEREBY ORDERS** that this action be dismissed without
24 prejudice. **THE COURT FURTHER ORDERS** that any judgment for attorney's fees
shall survive and that any fees on deposit shall be returned.

25 Dated this 27th day of January, 2021

26 *Denise L. Gentile*
27 _____

28 **98A D50 CA1D 1545**
Denise L. Gentile
District Court Judge