

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES JACOB JORDAN,

Appellant,

vs.

THE STATE OF NEVADA, DEPARTMENT OF
HUMAN RESOURCES, DIVISION OF
MENTAL HYGENE AND MENTAL
RETARDATION; NEVADA MENTAL HEALTH
INSTITUTE; BOK CHUNG; MICHELLE
MARTIN; AND RICHARD DAUSE,

Respondents.

No. 35805

FILED

JUN 14 2000

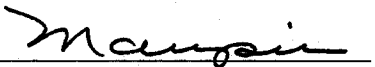
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK


ORDER DISMISSING APPEAL


This is a proper person appeal from a district court order dismissing appellant's complaint for failure to state a claim upon which relief may be granted, pursuant to NRCP 12(b)(5). This was the third complaint filed by appellant based upon the same underlying facts. Having carefully reviewed the record in this matter, we conclude that the district court properly dismissed the complaint. See Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985) (holding that on review of an order granting a motion to dismiss, this court's task is to determine whether or not the challenged pleading sets forth allegations sufficient to make out the elements of a right to relief); NRCP 12(b)(5). In addition, we caution appellant that NRCP 11 and NRAP 38 provide for the imposition of sanctions upon a party who brings a frivolous action or appeal.

Accordingly, having discerned no error requiring reversal, we

ORDER this appeal dismissed.¹


Maupin J.


Shearing J.


Becker J.

cc: Hon. Michael E. Fondi, District Judge
Attorney General
Broening, Oberg, Woods, Wilson & Cass
James Jacob Jordan
Carson City Clerk

¹Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant.