

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL R. EVANS AND
ALEJANDRO JOSE CASTILLO,

No. 36674

Appellants,

vs.

BOARD OF PRISON
COMMISSIONERS, BOB MILLER,
GOVERNOR, FRANKIE SUE DEL
PAPA, ATTORNEY GENERAL, DEAN
HELLER, SECRETARY OF STATE,
AND ROBERT BAYER, DIRECTOR,
NEVADA DEPARTMENT OF PRISONS,

Respondents.

FILED

DEC 13 2001

ANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellants' complaint for failure to state a claim upon which relief may be granted, pursuant to NRCP 12(b)(5). Having reviewed the record in this matter, we conclude that the district court properly dismissed the complaint.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Young _____ J.
Young
Agosti _____ J.
Agosti
Leavitt _____ J.
Leavitt

¹See 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).

cc: Hon. Steve L. Dobrescu, District Judge
Attorney General
Michael R. Evans
Alejandro Jose Castillo
White Pine County Clerk