

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTORIA GIAMPA,
Appellant,
vs.
CHARLES F. GIAMPA,
Respondent.

No. 42719

FILED

JUN 16 2005

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint for failure to state a claim upon which relief can be granted, pursuant to NRCP 12(b)(5). Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

In reviewing 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.¹ In addition, all inferences must be construed in favor of the non-moving party, and all factual allegations in the complaint must be accepted as true.²

¹Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985).

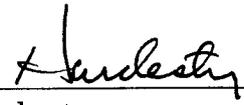
²Breliant v. Preferred Equities Corp., 109 Nev. 842, 845, 858 P.2d 1258, 1260 (1993).

Having reviewed the record, we conclude that the district court did not err in granting respondent's motion to dismiss. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Valerie Adair, District Judge
Schreck Brignone/Las Vegas
Victoria Giampa
Clark County Clerk

³Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from her and deny any relief requested therein.