


IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK O'DELL BRYANT,
Appellant,
vs.
MATTHEW JOHNSON AND
STEPHANIE KAYE CANNON,
Respondents.

No. 44434

FILED

OCT 18 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint. Eighth Judicial District Court, Clark County; David Wall, Judge.


Having reviewed the record, appellant's proper person appeal statement, and respondents' responses, we conclude that the district court did not err.¹ First, appellant admitted that his claims for malicious prosecution and obstruction of justice were invalid. Next, the complaint did not state a claim for abuse of process, fraud, or defamation.² Further,

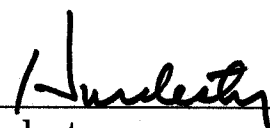
¹See NRCP 12(b)(5); Breliant v. Preferred Equities Corp., 109 Nev. 842, 845, 858 P.2d 1258, 1260 (1993) (noting that, in determining whether a claim has been stated, all inferences must be construed in favor of the non-moving party, and all factual allegations in the complaint must be accepted as true); Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985) (stating that, in reviewing an order granting a motion to dismiss, this court's task is to determine whether the challenged pleading sets forth allegations sufficient to make out the elements of a right to relief).

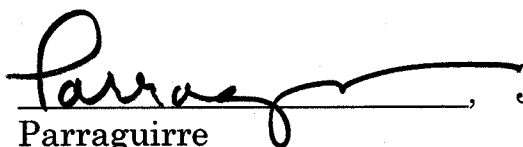
²See LaMantia v. Redisi, 118 Nev. 27, 38 P.3d 877 (2002) (requiring that an ulterior motive, other than resolution of a legal dispute, be alleged
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no cause of action for “denial of due process” exists, and the ethical rules for lawyers do not create a private right of action by an opposing party.³ Finally, the district court did not abuse its discretion in denying appellant leave to amend his complaint.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁵


Becker, J.


Hardesty, J.


Parraguirre, J.

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as an element of abuse of process); Lubin v. Kunin, 117 Nev. 107, 17 P.3d 422, (2001) (requiring that the allegedly defamatory communications be unprivileged); Sahara Gaming v. Culinary Workers, 115 Nev. 212, 984 P.2d 164 (1999) (recognizing an absolute privilege for communications published in the course of judicial proceedings); Wohlers v. Bartgis, 114 Nev. 1249, 969 P.2d 949 (1998) (requiring that reliance be alleged as an element of fraud).

³See Mainor v. Nault, 120 Nev. 750, 101 P.3d 308 (2004) (recognizing that professional conduct rules do not create a private right of action, although they are admissible as relevant to the standard of care in a legal malpractice action). Appellant’s reliance on In re Discipline of Schaefer, 117 Nev. 496, 25 P.3d 191, as modified by 31 P.3d 365 (2001), is thus misplaced, because Schaefer involved disciplinary enforcement of the rules, not a private claim.

⁴See Connell v. Carl’s Air Conditioning, 97 Nev. 436, 634 P.2d 673 (1981) (noting that whether to grant leave to amend a complaint is within the district court’s discretion).

⁵We deny appellant’s July 12, 2006 motion for injunctive relief.

cc: Hon. David Wall, District Judge
Mark O'Dell Bryant
Stephanie Kaye Cannon
R. Clay Hendrix
Hutchison & Steffen, Ltd.
Clark County Clerk