


IN THE SUPREME COURT OF THE STATE OF NEVADA

MILDRED EDWARDS,
Appellant,
vs.
CITY OF LAS VEGAS,
Respondent.

No. 45494

FILED

NOV 09 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 under NRCP 41(e) for failure to bring her case to trial within five years. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Dismissal under NRCP 41(e) is mandatory, and the district court therefore has no discretion to deny dismissal.¹ The rule unequivocally states that any action shall be dismissed unless it is brought to trial within 5 years of the filing of the complaint, unless the parties stipulate in writing to an extension.²

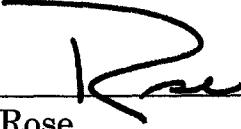
Upon review of the record and appellant's civil proper person appeal statement, we conclude that the district court properly dismissed

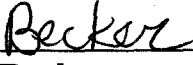
¹NRCP 41(e); Morgan v. Las Vegas Sands, Inc., 118 Nev. 315, 320, 43 P.3d 1036, 1039 (2002).

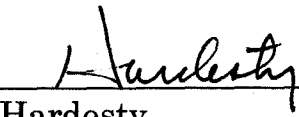
²NRCP 41(e).

appellant's complaint under NRCP 41(e). Accordingly, we affirm the district court's order.³

It is so ORDERED.⁴


_____, C.J.
Rose


_____, J.
Becker


_____, J.
Hardesty

cc: Hon. Douglas W. Herndon, District Judge
Mildred Edwards
Las Vegas City Attorney
Clark County Clerk

³We have considered all arguments raised in appellant's proper person appeal statement and conclude that they lack merit.

⁴In light of this order, we deny appellant's August 4, 2005 request for transcripts.