

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS COOPER, JR., III,
Appellant,
vs.
BRIAN A. COX,
Respondent.

No. 45510

FILED

DEC 27 2005

ORDER OF AFFIRMANCE

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

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

Having reviewed the record and appellant's proper person appeal statement, we conclude that the district court did not err.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Rose, J.
Rose

Parraguirre, J.
Parraguirre

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); Morgano v. Smith, 110 Nev. 1025, 1029, 879 P.2d 735, 737-38 (1994) (holding that a legal malpractice action against a criminal defense attorney cannot be maintained unless the plaintiff has obtained appellate or post-conviction relief from conviction or sentence, or otherwise established innocence of charges).

cc: Hon. Mark R. Denton, District Judge
Dennis Cooper Junior, III
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger/Civil Division
Clark County Clerk