

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO CESAR NAVAS,  
Appellant,  
vs.  
ANNA MARIE BYRON,  
Respondent.

No. 46878

**FILED**

DEC 08 2006

WAINATE 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 appellant's complaint. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

Having reviewed the record and appellant's proper person appeal statement, we conclude that the district court did not err in dismissing appellant's complaint.<sup>1</sup> In particular, appellant's claims concerning the real property at issue in this case were decided in the divorce action and were again rejected in appellant's first attempt to

<sup>1</sup>See 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).

collaterally attack the family court's order. They may not be relitigated yet again.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Becker, J.  
Becker

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

cc: Hon. Janet J. Berry, District Judge  
Julio Cesar Navas  
Anna Marie Byron  
Washoe District Court Clerk

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<sup>2</sup>See Executive Mgmt. v. Tigor Title Ins. Co., 114 Nev. 823, 834, 963 P.2d 465, 473 (1998).