


IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL D. S. EDWARDS,
Appellant,
vs.
MRCGROUP, INC., A/D/B/A
MRCGROUP RESEARCH INSTITUTE,
A/D/B/A MRCFOCUS, A/D/B/A
MRCPHONE, A/D/B/A MRCGROUP
ENTERTAINMENT, A/D/B/A
INNOVATIVE SURVEY RESEARCH,
INC.; LEE M. MEDICK; AND JAMES T.
MEDICK,
Respondents.

No. 49600

FILED

MAR 10 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a final judgment dismissing an amended complaint. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

We rigorously review a district court order dismissing a complaint under NRCP 12(b)(5) for failure to state a claim upon which relief may be granted.¹ For this purpose, a complaint's factual allegations are liberally construed, with every fair inference drawn in favor of the non-moving party, and the complaint is properly dismissed only when it appears that the plaintiff could prove no set of facts that, if accepted as true, would entitle him to relief.²

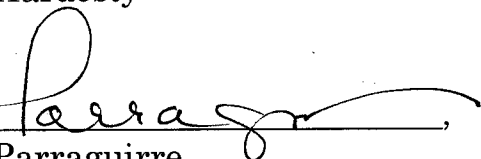
¹Simpson v. Mars Inc., 113 Nev. 188, 190, 929 P.2d 966, 967 (1997).

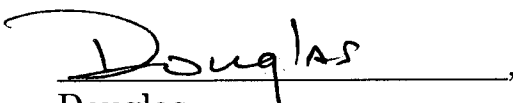
²Id.

Based upon our review of the record on appeal and appellant's opening brief, we conclude that the district court properly determined that, based on his allegations, appellant could not prove any set of facts that would entitle him to relief.³ Accordingly, we affirm the district court's judgment dismissing appellant's complaint.⁴

It is so ORDERED.⁵


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

³See 47 U.S.C. § 227(c)(5) (2002); 47 C.F.R. § 64.1200 (c)(2) and (f)(12) (2006); NRS 41.600; NRS 598.0915-0925; Brown v. Keller, 97 Nev. 582, 636 P.2d 847 (1981).

⁴On June 25, 2007 appellant filed a proper person request for transcripts. As review of any transcript is unnecessary for this appeal's disposition, we deny appellant's request.

⁵We deny appellant's October 11, 2007 and November 29, 2007 motions, as we prefer to decide cases on the merits. See Price v. Dunn, 106 Nev. 100, 787 P.2d 785 (1990); see also NRAP 31(c) (stating that a respondent's failure to file an answering brief may be treated as a confession of error).

cc: Hon. Kenneth C. Cory, District Judge
Paul D. S. Edwards
MRCGroup, Inc.
James T. Medick
Lee M. Medick
Eighth District Court Clerk