

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY LYNN DAVIS,
Appellant,
vs.
THOMAS EITEL,
Respondent.

No. 50641

FILED

JUN 13 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL

This is a proper person appeal from a district court order dismissing appellant's complaint for failure to state a claim upon which relief can be granted. Third Judicial District Court, Lyon County; David A. Huff, Judge.

Respondent, in his response to appellant's civil proper person appeal statement, acknowledges that this case was improperly dismissed and asserts that the order dismissing the complaint should be reversed. In light of respondent's admission that the case was improperly dismissed, we

ORDER the judgment of the district court REVERSED.¹

Maupin J.
Maupin

Cherry J.
Cherry

Saitta J.
Saitta

¹We deny appellant's request for appointment of counsel. See Rodriguez v. Dist. Ct., 120 Nev. 798, 810, 102 P.3d 41, 49 (2004) (noting that there is no right to appointed counsel in civil cases not involving incarceration for contempt). Moreover, to the extent that appellant seeks any further relief other than the reversal of the order dismissing his complaint, we deny his requests.

cc: Hon. David A. Huff, District Judge
Jerry Lynn Davis
James E. Wilson
Lyon County Clerk