

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD SETH TRZASKA,  
Appellant,  
vs.  
TOWN & COUNTRY TWO; ED  
ZIMMERMAN; AND DAVITA  
ZIMMERMAN,  
Respondents.

No. 57366

**FILED**

**SEP 15 2011**

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

ORDER OF AFFIRMANCE


This is a proper person appeal from a district court order dismissing appellant's complaint for declaratory and injunctive relief and for damages based on alleged civil rights violations. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

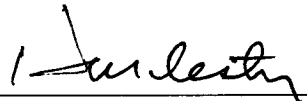
We have reviewed the record and considered appellant's civil proper person appeal statement, and we conclude that dismissal was appropriate. Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (stating that this court reviews all legal conclusions in NRCP 12(b)(5) motions to dismiss de novo, accepting all factual allegations in the complaint as true and drawing all inferences in the plaintiff's favor). Appellant's complaint asserts claims against respondents based upon actions taken by members of the Las Vegas Metropolitan Police Department. Appellant has not, however, pleaded sufficient facts to demonstrate the necessary elements of a claim for relief against respondents. NRCP 12(b)(5); see Adickes v. Kress & Co., 398 U.S. 144, 150-52 (1970) (stating elements necessary for a 42 USC § 1983 civil rights action against a private party); Butler v. Goldblatt Bros., Inc., 589 F.2d 323, 326 (7th Cir. 1978) (noting that a defendant's act of supplying information to the police, who then acted on their own initiative in

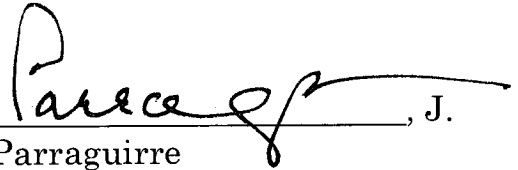
arresting plaintiff, was not actionable under § 1983); Western States Constr. v. Michoff, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992) (explaining that a complaint must at least “set forth sufficient facts to demonstrate the necessary elements of a claim for relief so that the defending party has adequate notice of the nature of the claim and relief sought”).

Accordingly, we conclude that the district court did not err in dismissing the underlying action, and we

ORDER the judgment of the district court AFFIRMED.

 \_\_\_\_\_, J.  
Douglas

 \_\_\_\_\_, J.  
Hardesty

 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Valerie Adair, District Judge  
Edward Seth Trzaska  
Robert P. Bettinger  
Eighth District Court Clerk