

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICOLAS UNZUETA-CORRAL, AN
INDIVIDUAL,

Appellant,

vs.

CLARK COUNTY SCHOOL DISTRICT,
A POLITICAL SUBDIVISION OF
CLARK COUNTY, NEVADA,

Respondent.

No. 67712

FILED

NOV 06 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

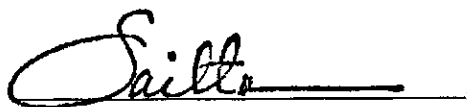
ORDER DISMISSING APPEAL

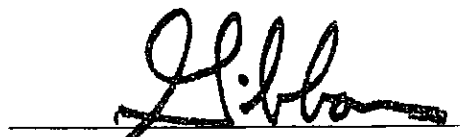
This is an appeal from a district court order granting respondent's motion to dismiss the complaint for failure to state a claim. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Respondent has filed a motion to dismiss the appeal for lack of jurisdiction, contending that appellant is not aggrieved and the judgment is not final because the complaint was dismissed without prejudice. The motion is opposed. Having considered the motion to dismiss, and in light of our opinion in *Bergenfield v. BAC Home Loans Servicing*, 131 Nev. Adv. Op. 68, 354 P.3d 1282 (2015), we grant the motion. An order dismissing an action without prejudice is not a final appealable judgment. Although the district court also denied appellant's motion for leave to amend, it did so solely on the ground that appellant had failed to submit a proposed amended complaint. Accordingly, appellant still had an opportunity to

make a showing of a viable claim for relief. Accordingly, we conclude that we lack jurisdiction over this appeal and we

ORDER this appeal DISMISSED.

 J.
Saitta

 J.
Gibbons

 J.
Pickering

cc: Hon. Douglas W. Herndon, District Judge
Persi J. Mishel, Settlement Judge
Dickinson Wright PLLC
Clark County School District Legal Department
Eighth District Court Clerk