

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN FINK,
Appellant,
vs.
ERVEN T. NELSON, IN HIS OFFICIAL
CAPACITY AS NEVADA STATE
ASSEMBLYMAN FOR ASSEMBLY
DISTRICT NO. 5,
Respondent.

No. 69798

FILED

NOV 18 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL AS MOOT

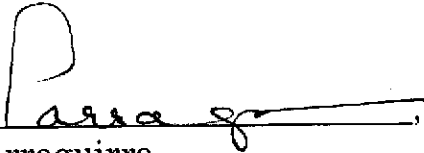
This is an appeal from a district court judgment in a declaratory relief action challenging the residency of a Nevada Assembly member. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Appellant Ryan Fink filed a district court complaint alleging that respondent Erven T. Nelson became ineligible to serve as a member of the Nevada Assembly, based on residency requirements, when he declared his candidacy for office in a different district. After the district court granted judgment in favor of Nelson, and just before this appeal was filed, Nelson resigned from the Assembly. Therefore, as Nelson points out in his answering brief, no live controversy exists on which this court could render an effectual decision, and the appeal is thus moot. *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (noting that this court has a duty "to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue before it" (quotation marks omitted)); see *Boulet v. City of Las Vegas*, 96 Nev. 611,

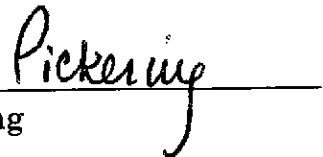
16-36114

613, 614 P.2d 8, 9 (1980) (explaining that this court decides appeals only when doing so affects the legal rights of the parties). As a result, we

ORDER this appeal DISMISSED.


_____, C.J.
Parraguirre


_____, J.
Hardesty


_____, J.
Pickering

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Hafter Law
Legislative Counsel Bureau Legal Division
Eighth District Court Clerk