

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE O'CONNER BEARD,  
FOR JOSEPH O'CONNER  
BEARD, DECEASED MINOR,  
Appellant,

vs.

MR. & MRS. JENSEN (JENSEN  
MOBILE HOME PARK),  
Respondents.

No. 38865

FILED

APR 08 2004

JANETTE M. BLOOM,  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

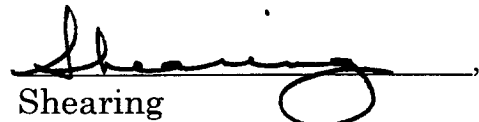
This is a proper person appeal from a district court order, certified as final under NRCP 54(b), dismissing appellant's wrongful death complaint under NRCP 12(b)(5) as to the respondents.<sup>1</sup> The district court concluded that appellant's complaint was barred by the statute of limitations and that the complaint failed to state a claim against respondents. Having reviewed the record, we conclude that the district


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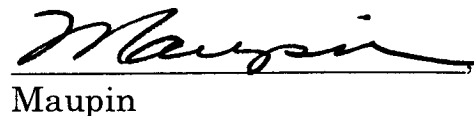
<sup>1</sup>The case remains pending against another defendant.

court did not err.<sup>2</sup> Accordingly, we affirm the district court's order.

It is so ORDERED.<sup>3</sup>

 \_\_\_\_\_, C.J.  
Shearing

 \_\_\_\_\_, J.  
Rose

 \_\_\_\_\_, J.  
Maupin

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<sup>2</sup>See NRCP 12(b)(5); Blackjack Bonding v. Las Vegas Mun. Ct., 116 Nev. 1213, 14 P.3d 1275 (2000) (setting forth the standard for granting a motion to dismiss under NRCP 12(b)(5)); Scialabba v. Brandise Constr. Co., 112 Nev. 965, 921 P.2d 928 (1996) (noting that whether a defendant owes a plaintiff a duty of care is a question of law); Mangeris v. Gordon, 94 Nev. 400, 402, 580 P.2d 481, 483 (1978) (stating that in order for a negligence action to succeed, the alleged wrongdoer must owe a duty of care to the person injured).

<sup>3</sup>Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from him.

cc: Hon. James W. Hardesty, District Judge  
George O'Conner Beard  
Lemons Grundy & Eisenberg  
Nye County Clerk