

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ANGELO DRAKE,  
Appellant,  
vs.  
JACKSONS FOOD STORES; DISTRICT  
MANAGER AREL "BUD" SESSIONS;  
AND STORE MANAGER PENNY  
SESSIONS,  
Respondents.

No. 39077

FILED

APR 10 2002

JANE DE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order granting summary judgment in an action to recover unpaid wages.<sup>1</sup> Having reviewed the record, we conclude that the district court did not err.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

*Maupin*, C.J.

Maupin

*Agosti*, J.

Agosti

*Leavitt*, J.

Leavitt

<sup>1</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 and deny the relief requested therein as moot in light of this order. We note that appellant was denied leave to proceed in forma pauperis on appeal by the district court, and conclude that the district court's reasoning is sound. Appellant's failure to pay the filing fee is grounds for dismissal of the appeal, but we have nevertheless considered the merits of this case.

<sup>2</sup>See *GES, Inc. v. Corbitt*, 117 Nev. \_\_\_, 21 P.3d 11 (2001) (stating that statute must be construed so as to avoid absurd results); *Evco Distributing, Inc. v. Brandau*, 626 P.2d 1192 (Kan. Ct. App. 1981) (holding that unfaithful employee was not entitled to unpaid compensation); *Stiff v. Associated Sewing Supply Co.*, 436 N.W.2d 777 (Minn. 1989) (noting that employee cannot be said to have "earned" commissions while embezzling from employer).

cc: Hon. Steven P. Elliott, District Judge  
Michael Angelo Drake  
Robison Belaustegui Sharp & Low  
Washoe District Court Clerk