

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ANGELO DRAKE,
Appellant,
vs.
STATE OF NEVADA DEPARTMENT
OF BUSINESS AND INDUSTRY,
NEVADA STATE LABOR
COMMISSION, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; TERRY JOHNSON, AS
LABOR COMMISSIONER; AND LOIS
KELLY, AS INVESTIGATOR,
Respondents.

No. 39633

FILED

AUG 21 2002

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

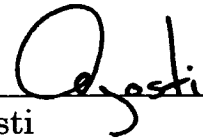
ORDER OF AFFIRMANCE


This is a proper person appeal from a district court order dismissing appellant's complaint for failure to state a claim upon which relief can be granted, pursuant to NRCP 12(b)(5). Having reviewed the

record in this matter, we conclude that the district court properly dismissed the complaint.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. William A. Maddox, District Judge
Attorney General/Carson City
Michael Angelo Drake
Carson City Clerk

¹See Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985) (holding that on review of an order granting a motion to dismiss, this court's task is to determine whether or not the challenged pleading sets forth allegations sufficient to make out the elements of a right to relief); NRCP 12(b)(5).

²In light of this order, we deny appellant's June 20, 2002 motion for leave to file an opening brief. 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.