

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT KAHRE,
Appellant,

vs.

SUPER COMMERCIAL REALTY GROUP, A
NEVADA CORPORATION; NEVADA STATE BANK,
A NEVADA CORPORATION; FIRST SECURITY
BANK OF NEVADA, A NEVADA CORPORATION;
WELLS FARGO BANK NATIONAL ASSOCIATION,
A SAVINGS AND LOAN CORPORATION; BANK OF
AMERICA NEVADA, A NEVADA CORPORATION;
BUSINESS BANK OF NEVADA, A NEVADA
CORPORATION; VALLEY BANK, A NEVADA
CORPORATION; AND BRACKEN-LEAVITT
INSURANCE AGENCY, INC., A NEVADA
CORPORATION,
Respondents.

No. 39662

FILED

JUL 06 2005

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint pursuant to NRCP 12(b)(5).¹ Eighth Judicial District Court, Clark County; Nancy M. Saitta, Judge.

In reviewing 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.² In addition, all inferences must be construed in favor of the non-moving

¹On appeal, appellant also challenges a district court order imposing sanctions, and an order denying injunctive relief. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (stating that this court has jurisdiction to consider interlocutory orders within the context of an appeal from a final judgment).

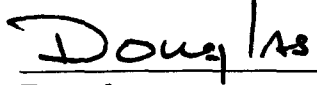
²Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985).

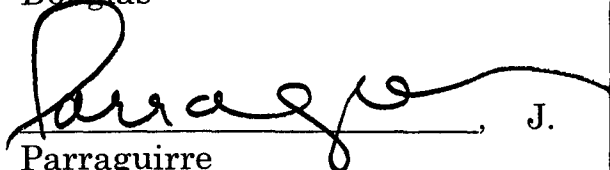
party, and all factual allegations in the complaint must be accepted as true.³

Having reviewed the record, we conclude that the district court did not err in granting respondent's motion to dismiss, denying appellant's motion for injunctive relief, and imposing sanctions.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁵


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

³Breliant v. Preferred Equities Corp., 109 Nev. 842, 845, 858 P.2d 1258, 1260 (1993).

⁴See Fortney v. U.S., 59 F.3d 117, 119 (9th Cir. 1995) ("Jurisdiction over a petition to quash a summons lies in the 'United States district court for the district within which the person to be summoned resides or is found.'") (quoting 26 U.S.C. 7609(h)(1)); University Sys. v. Nevadans for Sound Gov't, 120 Nev. ___, 100 P.3d 179 (2004) (observing that whether to grant or deny a preliminary injunction is within the district court's sound discretion); Allianz Ins. Co. v. Gagnon, 109 Nev. 990, 995, 860 P.2d 720, 724 (1993) (recognizing that if a district court finds that a claim was brought without reasonable grounds, it may award attorney fees).

⁵Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant. In light of this order, we deny as moot appellant's September 30, 2002, request for a stay. We deny Bank of America's motion, in which Wells Fargo Bank Nevada, Nevada State Bank and Business Bank have joined, to strike appellant's opening brief.

cc: Hon. Nancy M. Saitta, District Judge
Robert Kahre
Bracken-Leavitt Insurance Agency, Inc.
Hale Lane Peek Dennison & Howard/Las Vegas
Jolley Urga Wirth Woodbury & Standish
Jones Vargas/Las Vegas
Smith Larsen & Wixom
Super Commercial Realty Group
Clark County Clerk