

IN THE SUPREME COURT OF THE STATE OF NEVADA

TARALEE GARRETT,  
Appellant,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, TIM MONIOT, RUSS  
SHOEMAKER, TOM MONAHAN,  
DENNIS COBB, RICHARD Z. WINGET,  
ROBERT WILLS, AND SHERIFF  
JERRY KELLER, INDIVIDUALLY AND  
IN THEIR CAPACITY AS POLICE  
OFFICERS OR EMPLOYEES FOR LAS  
VEGAS METROPOLITAN POLICE  
DEPARTMENT,  
Respondents.

No. 40119

**FILED**

MAY 19 2005

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 with prejudice appellant's complaint for failure to state a claim upon which relief can be granted, pursuant to NRCP 12(b)(5). Eighth Judicial District Court, Clark County; Michael A. Cherry, 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.<sup>1</sup> In addition, all inferences must be construed in favor of the non-moving party, and all factual allegations in the complaint must be accepted as true.<sup>2</sup>

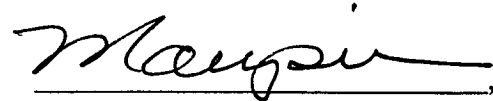
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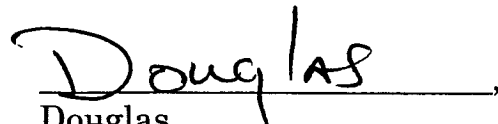
<sup>1</sup>Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985).

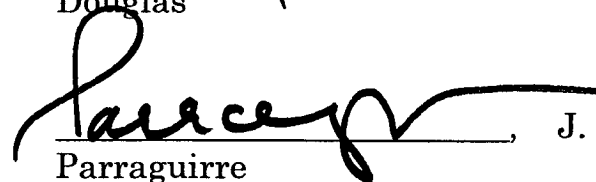
<sup>2</sup>Breliant v. Preferred Equities Corp., 109 Nev. 842, 845, 858 P.2d 1258, 1260 (1993).

Having reviewed the record, we conclude that the district court did not err in granting respondents' motion to dismiss with prejudice.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Michael A. Cherry, District Judge  
Clark County District Attorney David J. Roger  
Marquis & Aurbach  
Taralee Garrett  
Clark County Clerk

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<sup>3</sup>See NRS 41.032 (providing that government entities and officials are immune for discretionary acts); Travelers Hotel v. City of Reno, 103 Nev. 343, 345-46, 741 P.2d 1353, 1354 (1987) (defining discretionary acts as “those which require the exercise of personal deliberation, decision and judgment”).

<sup>4</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 appellant. We deny appellant's September 10, 2002 request for transcripts.