

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH KRIVAC,
Appellant,

vs.

THE STATE OF NEVADA; THE CITY
OF SPARKS; COUNTY OF WASHOE;
JOHN DOTSON; BRUCE HAHN;
OFFICER BEGBIE; OFFICER CROUSE;
AND RICHARD A. GAMMICK,
Respondents.

No. 41282

FILED

JAN 06 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. Reed*
DEPUTY CLERK

ORDER DISMISSING APPEAL AS MOOT

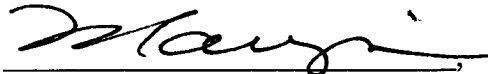
This is a proper person appeal from a district court order dismissing appellant's action for return of confiscated personal property and violation of his civil rights under 42 U.S.C. § 1983. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. Respondent City of Sparks has filed a motion to dismiss this appeal on the basis that the appeal is moot. Respondent State of Nevada has joined in the motion to dismiss.

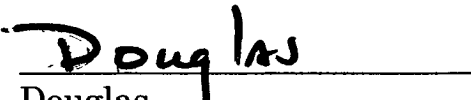
In its motion to dismiss, the City asserts that the confiscated personal property that is the subject of the underlying action has been returned to appellant. To support its contention, the City has attached to its motion to dismiss documentation signed by appellant and/or his attorney for the return of the confiscated personal property. Thus, the City argues that this appeal is now moot.

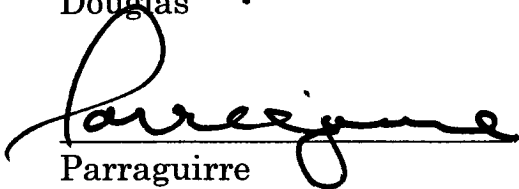
"[T]he duty of every judicial tribunal is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare

principles of law which cannot affect the matter in issue before it.”¹ Based upon our review of the documents before us, we conclude that appellant’s appeal is moot. Accordingly, we

ORDER this appeal DISMISSED.²

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Steven R. Kosach, District Judge
Attorney General Brian Sandoval/Carson City
Sparks City Attorney
Washoe County District Attorney Richard A. Gammick
Joseph Ralph Krivac
Washoe District Court Clerk

¹NCAA v. University of Nevada, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981).

²Although 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 August 28, 2003 motion for the appointment of counsel.