

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRIVERS A. GREENE,
Appellant,

vs.

E.K. MCDANIEL; DWIGHT NEVEN;
BILL DONAT; BARBARA JIRAK;
MARSHA BETSILL; AND WENDY
ANDERSON,
Respondents.

No. 42675

FILED

JUL 05 2006

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 allege an injury with sufficient particularity under the RICO statutes. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

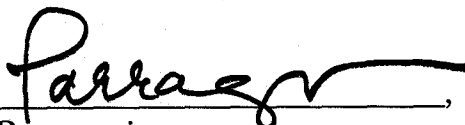
To recover under the RICO statutes, a plaintiff must allege an injury that flows from the defendants' violation of a predicate RICO act, that the RICO violation proximately caused the plaintiff's injury, and that the plaintiff did not participate in the RICO violation.¹ Our review of appellant's civil proper person appeal statement and the record on appeal demonstrates that the district court did not err when it dismissed the

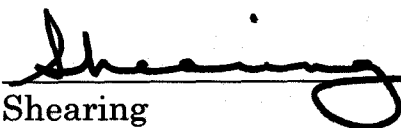
¹Allum v. Valley Bank of Nevada, 109 Nev. 280, 283, 849 P.2d 297, 299 (1993).

underlying action for failure to allege an injury with sufficient particularity.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, J.
Becker


_____, J.
Parraguirre


_____, Sr. J.
Shearing

cc: Hon. Steve L. Dobrescu, District Judge
Travers A. Greene
Attorney General George Chanos/Ely
White Pine County Clerk

²See 18 U.S.C. §§ 1961-1968; Farlow v. Peat, Marwick, Mitchell & Co., 956 F.2d 982 (10th Cir. 1992); see also NRS 207.350-207.520. We note, however, that appellant might be able to file a complaint that alleges, with sufficient particularity, that he has suffered an injury that flows from the defendants' violation of a predicate RICO act, i.e. that he purchased a defective product, that the RICO violation proximately caused his specific injury, and that he did not participate in the RICO violation. See Allum, 109 Nev. at 283, 849 P.2d at 299.

³We deny as moot appellant's motion to consolidate this appeal with Docket No. 41862.

The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under a general order of assignment entered January 6, 2006.