

IN THE SUPREME COURT OF THE STATE OF NEVADA

FAYEK BESHARA,
Appellant,
vs.
CITY OF LAS VEGAS,
Respondent.

No. 43305

FILED

SEP 16 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOCH
CLERK OF SUPREME COURT
J. Richards
PROPERTY CLERK

This is purportedly an appeal from an order of the district court denying appellant's motion for a new trial. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.


Our preliminary review of this appeal revealed a jurisdictional defect. Specifically, the district courts have final appellate jurisdiction in cases arising in justice's and municipal courts.¹ When the district court acts in its appellate capacity, this court lacks appellate jurisdiction over the district court.

Accordingly, on August 5, 2004, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. On

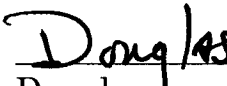
¹See Nev. Const. art. 6, § 6; Tripp v. City of Sparks, 92 Nev. 362, 550 P.2d 419 (1976); Waugh v. Casazza, 85 Nev. 520, 458 P.2d 359 (1969).

August 20, 2004, counsel filed a response in which counsel concedes that this court lacks jurisdiction to entertain this appeal. We therefore

ORDER this appeal DISMISSED.²


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Jackie Glass, District Judge
Stephen R. Kopolow
Las Vegas City Attorney
Clark County Clerk
Fayek Beshara

²On August 5, 2004, counsel also renewed his motion to withdraw as counsel of record in this appeal. That motion is denied as moot.