

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE A. TOLIVER,
Appellant,
vs.
MAHONEY'S SILVER NUGGET,
Respondent.

No. 43371

FILED

JUN 20 2005

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order striking appellant's complaint. Eighth Judicial District Court, Clark County; David Wall, Judge.


The right to appeal is statutory; if no statute or court rule provides for an appeal, no right to appeal exists.¹ Here, the district court's order struck appellant's complaint, but the order did not dismiss the action or prohibit appellant from filing an amended complaint correcting the original complaint's deficiencies. Accordingly, it is not a final judgment that may be appealed under NRAP 3A(b)(1).² Additionally, no


¹See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

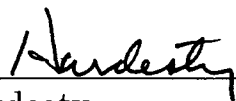
²Cf. Chamberland v. Labarbera, 110 Nev. 701, 877 P.2d 523 (1994) (permitting appeal from order striking request for trial de novo when order also directed entry of final judgment).

rule or statute provides for an appeal from an order striking a pleading.³
Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. David Wall, District Judge
George A. Toliver
Gugino Law Firm
Clark County Clerk

³See NRAP 3A(b).