

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTIAN TANON OCHOA,  
Appellant,  
vs.  
ALLISON URBINATO,  
Respondent.

No. 43922

FILED

OCT 19 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM  
CLERK OF SUPREME COURT

BY *J. P. [Signature]*  
STATE DEPUTY CLERK

This proper person appeal is taken from a district court minute order denying a motion for genetic testing. Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge.

Our review of the documents before us reveals jurisdictional defects. First, no appeal lies from a minute order; instead, only a formal written order entered by the court may be appealed.<sup>1</sup> A notice of appeal filed before such an order is entered is premature and ineffectual.<sup>2</sup> Here, the district court has not entered a formal written order. In fact, the minute order gives appellant until October 20, 2004, to respond to the court's oral ruling. Additionally, it appears that the court's order is interlocutory in nature, as it does not resolve all of the claims presented. An order may be appealed only when authorized by statute or court rule.<sup>3</sup> The district court's order, even if reduced to writing, does not appear to be

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<sup>1</sup>NRAP 4(a)(1); Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

<sup>2</sup>Id.


<sup>3</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).


an appealable final judgment<sup>4</sup> or an independently appealable interlocutory order. <sup>5</sup>

As we lack jurisdiction, we dismiss this appeal.

It is so ORDERED.<sup>6</sup>

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Jennifer Elliott, District Judge, Family Court Division  
Christian Tanon Ochoa  
Clark County District Attorney David J. Roger/Family Support  
Division  
Clark County Clerk

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<sup>4</sup>See NRAP 3A(b)(1).

<sup>5</sup>See NRAP 3A(b)(2).

<sup>6</sup>We note that appellant's failure to pay the supreme court filing fee could constitute an independent basis on which to dismiss this appeal.