

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN C. WILHOITE,
Appellant,
vs.
MARY WILHOITE,
Respondent.

No. 44863

FILED

MAY 19 2005

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order holding appellant in contempt. First Judicial District Court, Carson City; William A. Maddox, Judge.


The right to appeal is statutory; where no statute or court rule authorizes an appeal, no right to an appeal exists.¹ No rule or statute authorizes an appeal from an order of contempt.² Instead, contempt orders must be challenged by an original writ petition pursuant to NRS

¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

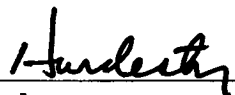
²See NRAP 3A(b).

Chapter 34.³ As we lack jurisdiction over this appeal, the appeal is dismissed.

It is so ORDERED.⁴


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. William A. Maddox, District Judge
Geoffrey D. Roullard
Stephen C. Wilhoite
Carson City Clerk

³Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000); but see NRAP 3A(b)(1) (authorizing an appeal from a final judgment); NRAP 3A(b)(2) (allowing an appeal from a special order after final judgment).

⁴Although appellant was not granted leave to proceed in proper person, see NRAP 46(b), we have considered the proper person documents received from him. Appellant indicates that he has moved the district court for in forma pauperis status, but that the district court has not yet responded. As we lack jurisdiction over this appeal, we decline to direct the district court to rule on appellant's motion. We note, however, that appellant's failure to pay the filing fee could constitute an independent basis on which to dismiss this appeal.