

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPENCER JAYME DOLAN,
Appellant,
vs.
MICHELLE LEE DOLAN,
Respondent.

No. 45204

FILED

MAY 19 2006

ORDER DISMISSING APPEAL

BY *JANET M. BLOOM*
CLERK OF SUPREME COURT
DEPUTY CLERK

This is an appeal from a district court order extending a temporary protective order and denying a request for attorney fees. Second Judicial District Court, Family Court Division, Washoe County; Chuck Weller, Judge.

When our preliminary review of the docketing statement and documents submitted to this court under NRAP 3(e) revealed a jurisdictional defect, we directed appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Appellant has filed a response.

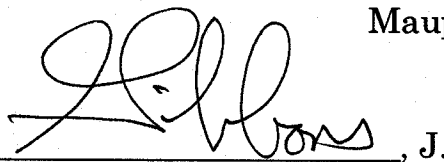
After reviewing appellant's response, we conclude that we lack jurisdiction to consider this appeal. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.¹ There is no such authorization for an appeal from a temporary protective

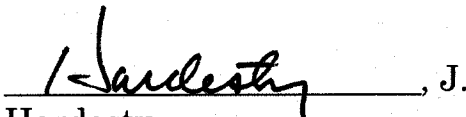
¹See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

order.² Additionally, since there is no final judgment in this matter, this court may not consider the portion of the order concerning attorney fees.³ Thus, as we lack jurisdiction over this appeal, we dismiss it.

It is so ORDERED.


Maupin


Gibbons


Hardesty

²NRAP 3A(b); In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (holding that no appeal may be taken from a temporary order subject to periodic mandatory review); Sugarman Co. v. Morse Bros., 50 Nev. 191, 255 P. 1010 (1927) (indicating that no appeal may be taken from an order denying a temporary restraining order).

³NRAP 3A(b)(1) (providing that an appeal may be taken from “a final judgment in an action or proceeding commenced in the court in which the judgment is rendered”); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (noting that “a final judgment is one that disposes of the issues presented in the case, and leaves nothing for the future consideration of the court” except for attorney fees and costs); Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (providing that, on appeal from the final judgment, this court may properly consider interlocutory orders). Although an order concerning attorney fees may be appealable as a special order after final judgment, see Smith v. Crown Financial Services, 111 Nev. 277, 280 n.2, 890 P.2d 769, 771 n.2 (1995), the district court’s order in this case is not such an order, as no final judgment has been entered.

cc: Hon. Chuck Weller, District Judge, Family Court Division
Pam Willmore
Bonnie G. Mahan
Washoe District Court Clerk