

IN THE SUPREME COURT OF THE STATE OF NEVADA

CYNTHIA MAGNO,
Appellant,
vs.
TIMOTHY BROWN,
Respondent.

No. 46154

FILED

JAN 23 2006

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 granting partial summary judgment on issues raised in a third-party complaint and counterclaim. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; thus, where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from a district court order granting partial summary

¹See NRAP 3A(b); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

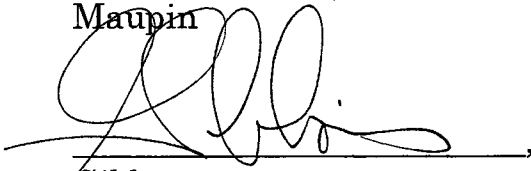
judgment; such orders are not final, but interlocutory, and thus non-appealable.²

Accordingly, we

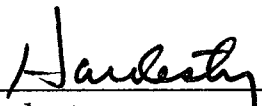
ORDER this appeal DISMISSED.³

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

²NRAP 3A(b); Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998); see also Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000) (noting that a final appealable judgment is one that disposes of all the rights and liabilities of all parties, except for certain post-judgment issues like attorney fees and costs).

³Additionally, appellant's notice of appeal was filed in this court on October 24, 2005. As noted in the instructions accompanying the documents mailed on that day to appellant as part of the pilot program for proper person civil appeals, appellant was required to file her appeal statement within forty days. See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005), Exhibit A (Instructions for Civil Litigants Without Attorneys). The instructions further explained that if appellant failed to file the appeal statement by that date, this court would dismiss the appeal. Id. Appellant has not filed the appeal statement. Consequently, her failure to do so constitutes an independent basis for dismissal.

cc: Hon. Douglas W. Herndon, District Judge
Cynthia Magno
Dixon, Truman & Fisher
Clark County Clerk