

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANYA S. DUKE,
Appellant,

vs.

ROGER M. SIMON, M.D.; RETINA
CONSULTANTS OF NEVADA; R.
JEFFREY PARKER, M.D.; RICHARD
OBER, M.D.; AND ESTELLE DOHENY
EYE CLINIC,
Respondents.

No. 46444

FILED

DEC 27 2005

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

ORDER DISMISSING APPEAL

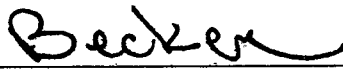
This is a proper person appeal from a district court order denying a motion to vacate, granting a motion to strike appellant's district court memorandum, and imposing filing restrictions upon appellant, and from an amended district court order setting a civil jury trial. Eighth Judicial District Court, Clark County; Kenneth C. Cory, 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 an order denying a motion to vacate, granting a motion

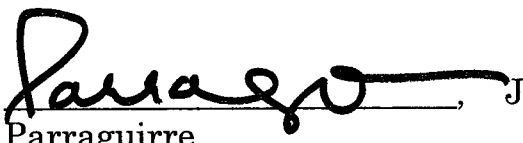
¹See NRAP 3A(b); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

to strike, imposing filing restrictions, or setting a jury trial.² Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.³


_____, C. J.
Becker


_____, J.
Rose


_____, J.
Parraguirre

cc: Hon. Kenneth C. Cory, District Judge
Anya S. Duke
Alverson Taylor Mortensen & Sanders
Clark County Clerk

²Cf. O'Neill v. Dunn, 83 Nev. 228, 427 P.2d 647 (1967) (recognizing that an order denying a jury trial was not substantively appealable).

³When the notice of appeal was filed, appellant was mailed a civil proper person appeal statement and other documents, as part of the pilot program for proper person civil appeals. In light of this order and our lack of jurisdiction, we note that appellant is no longer required to complete and submit the pilot program documents in this appeal. To the extent that appellant requests a stay pending appeal from this court, her request is denied as moot.