

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN LUCKETT,
Appellant,
vs.
BARRICK GAMING CORPORATION,
Respondent.

No. 46479

FILED

JUN 28 2006

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order dismissing appellant's complaint. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

After this appeal was docketed on December 28, 2005, this court issued a notice to appellant to pay the required filing fee. In response, appellant requested that we waive the fee. But because appellant had not complied with NRAP 24(a), which provides that a request for in forma pauperis status must first be presented to the district court, we denied appellant's request. In our order denying appellant's request, we directed appellant to comply with NRAP 24(a) and cautioned him that his failure either to properly seek leave to proceed in forma pauperis in the district court or to pay the filing fee could result in the dismissal of this appeal.

In response, appellant indicated that he had, in August 2005, attempted to file in the district court an application for leave to proceed in forma pauperis, but his application was returned to him with a note stating that the rules of appellate procedure required him to submit the

application to this court. Accordingly, in an April 11, 2006 order, we explained the NRAP 24(a) requirements and directed appellant, within twenty days from the date of that order, to either reapply to the district court for leave to proceed on appeal with in forma pauperis status and to provide a file-stamped copy of that motion to this court, or to pay the Supreme Court filing fee. We also directed the district court, if appellant filed an in forma pauperis application, to enter an order ruling on appellant's application within thirty days from the date that it was filed, and to provide a copy of the order to this court. In the April 11 order, we again cautioned appellant that his failure either to properly re-seek leave to proceed in forma pauperis in the district court or to pay the filing fee could result in the dismissal of this appeal.

On May 15, 2006, well after the twenty-day period in which to respond to our April 11 order had expired, appellant submitted a "notice of compliance" with our order and a request for judicial notice of an alleged injunction granted in a separate writ proceeding in this court, Luckett v. District Court, No. 45400. In his "notice," appellant suggests that, after receiving our April 11 order, he "immediately" mailed his in forma pauperis application to a district court judge's law clerk, and that that application was then "misdirected" to a different judge, who was previously disqualified, for resolution. Appellant indicates that the court's delay in resolving his application is not within his control to correct.

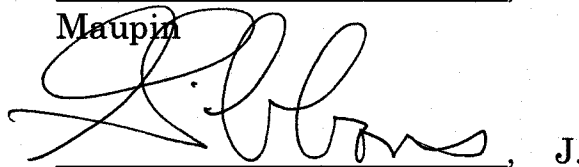
But appellant has not demonstrated his compliance with NRAP 24(a) by providing to this court any file-stamped copy of his resubmitted in forma pauperis application, as directed in our April 11 order. Nor has appellant paid the filing fee. Accordingly, as this issue has

been pending for well over five months and appellant has repeatedly failed to comply with NRAP 24(a) and our orders regarding the filing fee, we

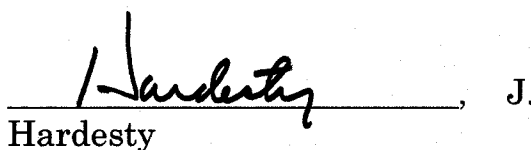
ORDER this appeal DISMISSED.¹

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Kenneth C. Cory, District Judge
John Lockett
Craig A. Marquiz
Clark County Clerk

¹Appellant's request for judicial notice of the proceedings in Docket No. 45400, which are not relevant to this issue, is denied. Additionally, appellant's June 6, 2006 motion for good faith settlement and request to stay this matter pending a settlement agreement are denied.