

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL VICTOR VANCLEEF,
Appellant,
vs.
NATIONAL DEFAULT
SERVICING AND ROKON, LLC,
Respondents.

No. 46601

FILED

FEB 13 2006

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

ORDER DISMISSING APPEAL

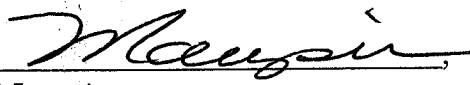
This is a proper person appeal from a district court order granting summary judgment against appellant, one of the defendants in the underlying case, on his cross-claims and counterclaims. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

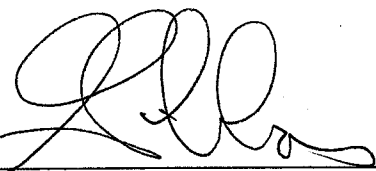
Our review of the documents submitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, it appears that the district court has not entered a final written judgment adjudicating all the rights and liabilities of all the parties.¹ The challenged order resolves only appellant's crossclaims and counter-claims. It appears that various claims remain pending below, including those brought by respondent National Default Servicing, the plaintiff in the underlying case, against appellant. Moreover, the challenged order is not certified as final pursuant to NRCF 54(b), and, because the order does not appear to resolve the underlying case as to any of the parties below, it appears that the

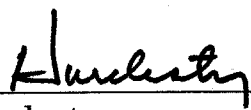
¹Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

order would not be amenable to NRCP 54(b) certification.² Because the district court has apparently not entered a final, appealable judgment or order in the underlying case, and the challenged order does not appear amenable to NRCP 54(b) certification, we conclude that we lack jurisdiction over this appeal, and therefore we dismiss it.³

It is so ORDERED.⁴


Maupin J.


Gibbons J.


Hardesty J.

²See NRCP 54(b) (providing that “[w]hen multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the parties . . . upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment”).

³See NRAP 3A(b) (setting forth a list of appealable orders); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (noting that this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule).

⁴We note that appellant’s failure to pay the filing fee or file a proper motion to proceed in forma pauperis in the district court as required by NRAP 24(a) could constitute an independent basis for the dismissal of this appeal. Additionally, when 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, appellant is no longer required to complete and submit the pilot program documents in this appeal. Finally, it appears that Rokon, LLC should be included in the caption as a respondent to this appeal. Accordingly, the clerk of this court shall modify the caption in this appeal to correspond with the caption on this order.

cc: Hon. Mark R. Denton, District Judge
Michael Victor VanCleaf
Beckley Singleton, Chtd./Las Vegas
Rawlings Olson Cannon Gormley & Desruisseaux
Clark County Clerk