

IN THE SUPREME COURT OF THE STATE OF NEVADA

GRACEMAY S. BASILIO,  
Appellant,  
vs.  
JOSE A. BASILIO,  
Respondent.

No. 46664

**FILED**

SEP 06 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This appeal was docketed in this court on January 26, 2006. Accordingly, the opening brief and appendix were due to be filed by May 26, 2006. See NRAP 31(a)(1). Because these documents were not timely filed, on June 2, 2006, this court issued a notice directing appellant to file and serve the opening brief and appendix within 15 days.

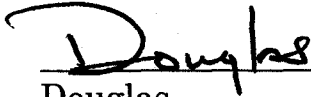
In response to the notice, appellant's counsel filed a letter addressed to the clerk of this court. Attached to the letter was a "Notice of Withdrawal of Appeal," which was filed in the district court on March 13, 2006. Counsel's letter asks the clerk of this court to "advise if any further action is needed to close this case."


We note that, generally, any request for relief from this court should be made by a formal motion, not in a letter addressed to the clerk of this court. See In re Petition to Recall Dunleavy, 104 Nev. 784, 769 P.2d 1271 (1988). Further, "a timely notice of appeal divests the district court of jurisdiction to act and vests jurisdiction in this court." Rust v. Clark Cty. School Dist., 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). Accordingly, once an appeal is docketed in this court, any motion to dismiss it should be filed in this court. See NRAP 42.

In the interest of judicial efficiency, we elect to treat counsel's letter and the notice attached thereto as a motion for a voluntary

dismissal of this appeal. Cause appearing, the motion is granted, and this appeal is dismissed. NRAP 42(b).

It is so ORDERED.

 \_\_\_\_\_, J.  
Douglas

 \_\_\_\_\_, J.  
Becker

 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division  
Randy Richards  
Jose A. Basilio  
Clark County Clerk