

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER S. JOHNSON,  
Appellant,  
vs.  
MAZIE WHALEN PUSICH,  
Respondent.

No. 47038

**FILED**

JUL 05 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 a motion to set aside a procedural default entered by the clerk of the district court. Second Judicial District Court, Washoe County; Peter I. Breen, Judge.

Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>1</sup> In Kokkos v. Tsalikis,<sup>2</sup> this court held that an order setting aside the entry of a procedural default is not appealable under NRAP 3A(b). Accordingly, the challenged order granting the motion to set

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<sup>1</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

<sup>2</sup>91 Nev. 24, 530 P.2d 756 (1975).

aside a procedural default pursuant to NRCP 55(c) is not appealable, we lack jurisdiction to consider this appeal and therefore, we

ORDER this appeal DISMISSED.<sup>3</sup>

Douglas, J.  
Douglas

Becker, J.  
Becker

Parraguirre, J.  
Parraguirre

cc: Hon. Peter I. Breen, Senior Judge  
Christopher S. Johnson  
Washoe County District Attorney Richard A. Gammick/Civil  
Division  
Washoe District Court Clerk

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<sup>3</sup>We note that appellant's failure to file his civil proper person appeal statement within the allotted time period constitutes an independent basis for dismissing this appeal. See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005) Exhibit A (Instructions for Civil Litigants Without Attorneys). See also ADKT No. 385 (Order Extending Pilot Program for Civil Proper Person Appeals, May 10, 2006) (extending indefinitely the pilot program for civil appeals, which was scheduled to conclude on June 13, 2006, until further order of this court).