

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES S. STUART,
Appellant,

vs.

DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS, JACKIE
CRAWFORD; TED D'AMICO, MEDICAL
DIRECTOR; WARDEN, HIGH DESERT
STATE PRISON, J. M. SCHOMIG;
MARTHA SIMMS; AND DR.
MUMFORD,
Respondents.

No. 47244

FILED

SEP 07 2006

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court's oral order granting a motion to dismiss in a medical malpractice case. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Our review of the documents transmitted to this court reveals a jurisdictional defect. Only a written order formally resolving the issues before the district court may be appealed as a final order.¹ We have long held that an "oral pronouncement of judgment is not valid for any purpose" and that "only a written judgment may be appealed and cannot

¹Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); see NRAP 3A(b)(1).

be appealed.”² A “court’s oral pronouncement from the bench, the clerks’ oral order, and even an unfiled written order are ineffective for any purpose.”³ Accordingly, as appellant’s notice of appeal designates a minute order, we lack jurisdiction over this appeal.

Additionally, even if the district court has entered a final written order, appellant has failed to comply with this court’s directive. Appellant’s notice of appeal was filed in this court on May 8, 2006. 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.⁴ As noted in the instructions accompanying the documents mailed to appellant, appellant was required to file his appeal statement within forty days from the date that his appeal was filed in this court.⁵ The instructions further explained that if appellant failed

²Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987); see NRCP 58(c); State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 451-52, 92 P.3d 1239, 1243-44 (2004).

³Rust, 103 Nev. at 689, 747 P.2d at 1382.


⁴See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005). See also ADKT No. 385 (Order Extending Pilot Program for Civil Proper Person Appeals, May 10, 2006) (indefinitely extending the pilot program for civil appeals, which was scheduled to conclude on June 13, 2006, until further order of this court).


⁵See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005), Exhibit A (Instructions for Civil Litigants Without Attorneys).

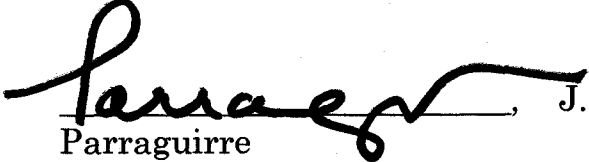
to file the appeal statement by that date, this court would dismiss the appeal.⁶

Appellant's appeal statement was due on June 19, 2006. To date, appellant has not filed an appeal statement or otherwise responded to this court's directive. Accordingly, we dismiss this appeal.

It is so ORDERED.⁷


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
James S. Stuart
Attorney General George Chanos/Las Vegas
Clark County Clerk

⁶Id.

⁷In light of this order, we dismiss as moot appellant's May 16, 2006 motion for transmission of the record.