

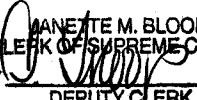
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES CARL REILY,
Appellant,
vs.
UNDERSHERIFF BRIAN JONAS,
Respondent.

No. 47749

FILED

NOV 09 2006

MANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal challenging a motion to dismiss filed by Humboldt County, a defendant in the underlying case. Sixth Judicial District Court, Humboldt County; Richard Wagner, Judge.

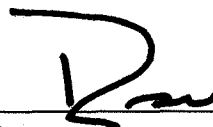
Appellant's notice of appeal was filed in this court on July 27, 2006. When the notice of appeal was filed, appellant was mailed a civil proper person appeal statement and other documents, as part of the pilot program for proper person civil appeals.¹ As noted in the instructions accompanying the documents mailed to appellant, appellant was required to file his appeal statement within forty days from the date his appeal was


¹See 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).

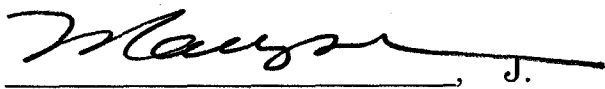
filed in this court.² The instructions further explained that if appellant failed to file the appeal statement by that date, this court would dismiss the appeal.³

Appellant's appeal statement was due on September 5, 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.⁴


_____, C.J.
Rose


_____, J.
Gibbons


_____, J.
Maupin

²See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005), Exhibit A (Instructions for Civil Litigants Without Attorneys).

³Id.

⁴As noted in this appeal, appellant seeks to challenge a motion to dismiss filed by a defendant in the underlying case. Documents of this nature, however, are not substantively appealable. See NRAP 3A(b). Having reviewed the documents before this court, it is not clear whether the motion to dismiss has been resolved, and if so, whether any such resolution resulted in a final, appealable order adjudicating all of the rights and liabilities of all the parties to the underlying case. See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Accordingly, it appears that we lack jurisdiction over this appeal, which constitutes an independent basis for dismissing this appeal.

cc: Hon. Richard Wagner, District Judge
James Carl Reily
Attorney General George Chanos/Carson City
Humboldt County District Attorney
Humboldt County Clerk