

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUBY F. LLOYD,
Appellant,
vs.
KENNETH LLOYD,
Respondent.

No. 48961

FILED

JUN 06 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT

BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

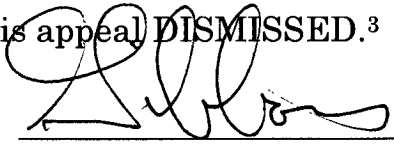
This is a proper person appeal from an interlocutory district court order scheduling a settlement conference status check and a pretrial conference, and setting a discovery deadline. Eighth Judicial District Court, Family Court Division, Clark County; Jennifer Elliott, Judge.

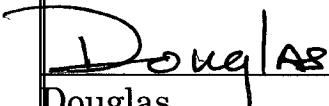
Our review of the documents before us reveals a jurisdictional defect. Specifically, the order designated in appellant's notice of appeal is not substantively appealable. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.¹ From the district court docket entries, it appears that trial in the underlying divorce proceeding is scheduled to begin on June 20, 2007. Because no final judgment has been entered and no statute or court rule authorizes an

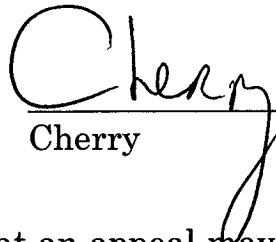
¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984).

appeal from an interlocutory scheduling or discovery order, we lack jurisdiction to consider this appeal.² Accordingly, we

ORDER this appeal DISMISSED.³


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

²See NRAP 3A(b)(1) (providing that an appeal may be taken from “a final judgment in an action or proceeding commenced in the court in which the judgment is rendered”); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (noting that “a final judgment is one that disposes of all of the issues presented in the case, and leaves nothing for the future consideration of the court,” except for attorney fees and costs).

³After this court sent appellant a notice to pay the filing fee, appellant requested that the fee be waived. Appellant’s failure to either properly seek leave to proceed in forma pauperis in the district court, as set forth under NRAP 24(a), or pay the filing fee, as required under NRAP 3(f), constitutes an independent basis for dismissing this appeal.

Appellant attached to her proper person appeal statement an “affidavit of plaintiff for disqualification of judge.” To the extent that appellant seeks to disqualify the district court judge, an affidavit in this appeal is not the proper means by which to seek such relief. See Towbin Dodge, LLC v. Dist. Ct., 121 Nev. 251, 112 P.3d 1063 (2005) (discussing procedures for seeking a district court judge’s disqualification). Accordingly, any such request is denied.

Appellant’s “Request for Extension of Time to Complete Filing of Notice of Appeal Due to Illness” and her motion for a stay pending appeal are denied as moot.

cc: Hon. Jennifer Elliott, District Judge, Family Court Division
Ruby F. Lloyd
Gayle F. Nathan
Eighth District Court Clerk