

IN THE SUPREME COURT OF THE STATE OF NEVADA

FAYEK (FRANK) BIASHARA, A/K/A
FRANK BESHARA, A/K/A FRANK
BISHARA,

Appellant,

vs.

IDA BISHARA; HELEN BISHARA;
MARY BISHARA; ATEFF RAFLA;
ODETTE FALTAS; TAMER RAFLA;
RAMEZ RAFLA; WELLS FARGO BANK
NATIONAL ASSOCIATION, A NEVADA
CORPORATION; AND CITIBANK
(WEST) FSB;

Respondents.

No. 49383

FILED

JUL 03 2007

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

ORDER DISMISSING APPEAL

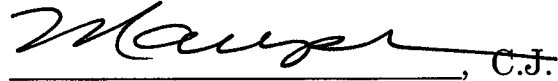
This is an appeal from a district court decision to dismiss a complaint pursuant to NRCP 41(e). Eighth Judicial District Court, Clark County; J. Charles Thompson, Judge.

Our preliminary review of the docketing statement and documents submitted to this court pursuant to NRAP 3(e) revealed a potential jurisdictional defect. Specifically, although the district court orally granted motions to dismiss appellant's complaint under NRCP 41(e) on March 29, 2007, the district court has not yet entered a written order to that effect. Neither an oral pronouncement from the bench nor a minute order is appealable.¹ Accordingly, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

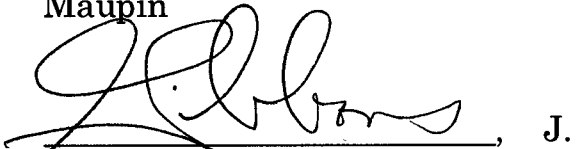
¹Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (explaining that "[t]he district court's oral
continued on next page . . .

In response, appellant concedes that the district court has not yet entered a written order dismissing the complaint. Absent such an order, this appeal is premature.² Accordingly, we conclude that this court lacks jurisdiction over this appeal, and we

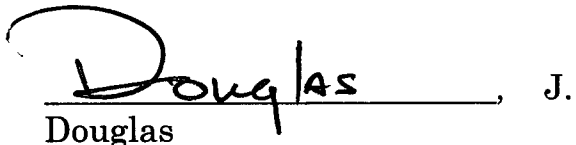
ORDER this appeal DISMISSED.³

 _____, C.J.

Maupin

 _____, J.

Gibbons

 _____, J.

Douglas

... continued

pronouncement from the bench, the clerk's minute order, and even an unfiled written order are ineffective for any purpose and cannot be appealed").

²See NRAP 4(a)(1) (providing that "notice of appeal must be filed after entry of a written judgment or order"); see also NRAP 4(a)(3) ("A judgment or order is entered within the meaning of this Rule when it is signed by the judge or by the clerk, as the case may be, and filed with the clerk."); Rust, 103 Nev. at 689, 747 P.2d at 1382.

³NRAP 4(a)(6) (providing that the court "may dismiss as premature a notice of appeal filed after the oral pronouncement of a decision or order but before entry of the written judgment or order"). We note that a written order granting the motions to dismiss under NRCP 41(e) may not be substantively appealable unless the district court also resolves the counterclaims against appellant. See NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); see also NRCP 54(b).

cc: Chief Judge, Eighth Judicial District
Hon. J. Charles Thompson, Senior Judge
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