

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN TOLE MOXLEY,
Appellant,
vs.
DWIGHT NEVEN,
Respondent.

No. 49822

FILED

OCT 02 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court's oral ruling denying appellant's motions (1) to proceed in forma pauperis, (2) to appoint counsel, and (3) for class certification. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals jurisdictional defects. First, no appeal may be taken from a district court's oral ruling.¹ Moreover, this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.² No statute or court rule authorizes an appeal from district court rulings denying motions (1) to proceed in forma pauperis, (2) to appoint counsel, or (3) for class certification.³ Finally, contrary to


¹Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

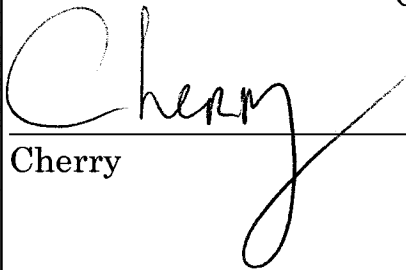
²Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).


³See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken).

appellant's assertion, the challenged ruling is not a final judgment dismissing appellant's complaint. A final judgment is one that disposes of the issues presented in the case and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney fees and costs.⁴ Here, the district court's ruling purports to deny various motions, including a motion for class certification, but does not appear to dismiss the complaint or otherwise resolve all of the issues presented in the case. Moreover, because "[a]n oral pronouncement of judgment is not valid for any purpose . . . and only a written judgment may be appealed,"⁵ even if the district court's oral ruling did dismiss the underlying case, it would not be appealable, as a final, written order has not been entered. Accordingly, we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.⁶


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

⁴See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

⁵Rust, 103 Nev. at 689, 747 P.2d at 1382.

⁶In light of this order we deny as moot all requests for relief pending in this appeal. We note that appellant's failure to pay the filing fee or comply with NRAP 24(a) constitutes an independent basis for dismissing this appeal.

cc: Hon. Jennifer Togliatti, District Judge
John Tole Moxley
Attorney General Catherine Cortez Masto/Carson City
Eighth District Court Clerk