

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES EDWARD KIMSEY,
Appellant,
vs.
CYBERVIEW TECHNOLOGY, INC.,
Respondent.

No. 51712

FILED

JUL 22 2008

TRACIE R. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting a preliminary injunction. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant's notice of appeal was filed on May 19, 2008. On May 23, 2008, 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 40 days from the date his appeal was filed in this court.²


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) (extending the pilot program for civil appeals, which was scheduled to conclude on June 13, 2006, until further order of this court).

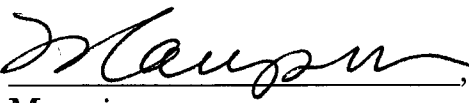
²See ADKT No. 385 (Order Establishing Pilot Program in Civil Appeals, June 10, 2005), Exhibit A (Instructions for Civil Litigants Without Attorneys); ADKT No. 385 (Order Extending Pilot Program for Civil Proper Person Appeals, May 10, 2006) (extending the pilot program for civil appeals, which was scheduled to conclude on June 13, 2006, until further order of this court).

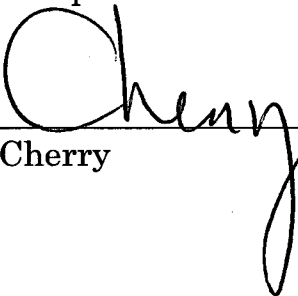
The instructions further explained that if appellant failed to file the appeal statement by that date, this court would dismiss the appeal.³

Appellant's appeal statement was due on July 2, 2008. To date, appellant has not filed his appeal statement or otherwise responded to this court's directive.⁴ Accordingly, we

ORDER this appeal DISMISSED.⁵


_____, C.J.
Gibbons


_____, J.
Maupin


_____, J.
Cherry

³Id.

⁴On June 11, 2008, the pilot program documents sent to appellant were returned as undeliverable. That same day these documents were resent to appellant at the address provided in his June 2, 2008, amended notice of appeal. The documents remailed to the corrected address were not returned to this court and appellant has not further communicated with this court since the pilot program documents were remailed to him. We note that appellant has a duty to provide this court with an accurate address to enable the court to communicate with appellant.

⁵Appellant's failure to pay the filing fee or demonstrate compliance with NRAP 24(a) constitutes an independent basis for dismissing this appeal.

cc: Hon. Elissa F. Cadish, District Judge
James Edward Kimsey
Gordon & Silver, Ltd.
Eighth District Court Clerk