

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE SALTON,
Appellant,
vs.
KATHLEEN DIGIACOMO,
Respondent.

No. 51817

FILED

SEP 18 2008
TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL AND IMPOSING SANCTIONS

This is an appeal from a district court order adopting and affirming a master's recommendation in a child support matter.¹ Eighth Judicial District Court, Family Court Division, Clark County; Gerald W. Hardcastle, Judge.

After our preliminary review of the documents submitted to this court pursuant to NRAP 3(e) revealed potential jurisdictional defects, we entered an order on July 29, 2008, directing appellant to show why this appeal should not be dismissed for lack of jurisdiction. In our July 29 order, we explained that the order designated in the notice of appeal did not appear to be a final, substantively appealable order under NRAP 3A(b), as it indicated that it was temporary and it directed respondent to bring a new financial statement and proof of income at the next hearing

¹Although appellant's notice of appeal indicates that he is challenging a child support and custody determination, the order designated in the notice of appeal pertains only to support and does not affect custody or visitation.

date, presumably to resolve and finalize support issues.² Our July 29 order further pointed out that appellant did not appear to be aggrieved,³ since the support amount set forth in the district court's order indicated that it was established pursuant to appellant's temporary agreement with the district attorney, and that appellant did not file an objection to the master's recommendation. By the terms of our July 29 order, appellant was allowed 30 days within which to demonstrate that this court had jurisdiction, and that order warned appellant that this appeal would be dismissed if he failed to do so.

In addition to the potential jurisdictional problems, we also directed appellant to comply with our June 10, 2008, notice to pay the Supreme Court filing fee. We explained that our June 10 notice required him to pay it no later than June 20, 2008, but the required fee has yet to be paid.⁴ Finally, our July 29 order directed appellant to file his docketing statement, which was due in this court by June 25, 2008.⁵ Appellant was then allowed an additional ten days to pay the filing fee and file his docketing statement. We cautioned appellant that sanctions might be imposed for any failure to respond to the July 29 order.

²As explained in the order to show cause, because temporary orders are subject to the district court's review and modification, they generally are not appealable. See In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (providing that no appeal may be taken from a temporary order subject to periodic, mandatory review).

³See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994).

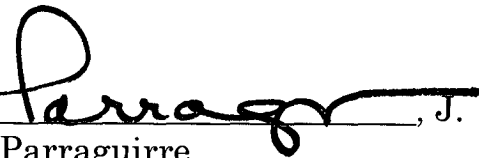
⁴See NRAP 3(f).

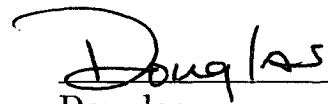
⁵See NRAP 14.

To date, appellant has not responded to any of this court's directives. The filing fee remains unpaid, the docketing statement remains unfiled, and our jurisdictional concerns remain unanswered. Accordingly, given appellant's counsel's continued failures to respond and comply with this court's rules and directives, we conclude that sanctions are warranted to discourage similar disregard for our directives in the future.⁶ Accordingly, appellant's counsel shall personally pay to the Nevada Supreme Court Law Library the sum of \$250 and shall provide proof of such payment within 15 days of the date of this order.⁷ Since appellant has not demonstrated that we have jurisdiction to consider his appeal, we dismiss this appeal. Appellant nevertheless must pay the \$250 Supreme Court filing fee, which was due when he filed his notice of appeal on June 10, 2008.⁸

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

⁶See State, Dep't of Mtr. Vehicles v. Moss, 106 Nev. 866, 868 n.3, 802 P.2d 627, 628 n.3 (1990) (noting that sanctions are appropriate when a party fails to comply with a court order).

⁷Failure to comply with order may result in additional sanctions, including referring appellant's counsel to the State Bar of Nevada for investigation.

⁸See NRAP 3(f); NRS 2.25(1)(a) and (c)(1).

cc: Hon. Gerald W. Hardcastle, District Judge, Family Court Division
Ghibaudo Law Firm
Kathleen Digiacomio
Eighth District Court Clerk
Supreme Court Law Librarian