

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY D. MORAGA,  
Appellant,

vs.

HOWARD SKOLNIK; PAT CONMAY;  
NEVADA DEPARTMENT OF  
CORRECTIONS; AND NEVADA  
ATTORNEY GENERAL,  
Respondents,

No. 51979

**FILED**

DEC 19 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order denying a petition for a writ of mandamus. First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant filed a complaint in district court in January 2008. In March, appellant filed a petition for writ of mandamus in the district court and the court entered an order denying the writ. This appeal followed.

This court has jurisdiction to consider an appeal only where authorized by statute or court rule.<sup>1</sup> No statute or court rule authorizes an appeal from a district court order denying a writ of mandamus in the absence of final judgment.<sup>2</sup> Moreover, because at least a portion of the challenged order apparently relates to appellant's complaint, the order denying writ relief is not appealable until a final judgment has been


---

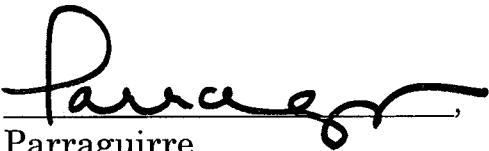
<sup>1</sup>Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

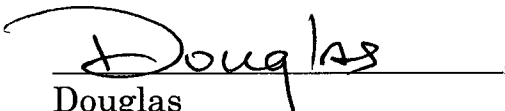
<sup>2</sup>See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken); see also City of N. Las Vegas v. Dist. Ct., 122 Nev. 1197, 1202-04, 147 P.3d 1109, 1113-14 (2006).

entered.<sup>3</sup> As appellant's complaint remains pending, no final judgment has been entered in the underlying case and thus we lack jurisdiction to consider this appeal. Accordingly, we dismiss this appeal.<sup>4</sup>

It is so ORDERED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. James Todd Russell, District Judge  
Roy D. Moraga  
Attorney General Catherine Cortez Masto/Carson City  
Carson City Clerk

---

<sup>3</sup>See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating that "a final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs."); Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing that, generally, interlocutory orders may be challenged within the context of an appeal from the final judgment).

<sup>4</sup>We direct the clerk of this court to file the notices of change of address provisionally received on October 15 and 28, 2008. We conclude that no action need be taken on these documents.

<sup>5</sup>In light of this order, we deny as moot appellant's October 17 and November 10, 2008, motions for judgment on the pleadings.