

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: I.R., A MINOR.

No. 53062

CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES,
Appellant,
vs.
MELVIN E. AND WENDY E.,
Respondents.

FILED

JUL 24 2009

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

ORDER DISMISSING APPEAL

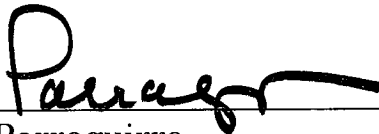
This is an appeal from a district court order granting retroactive foster care payments to respondents. Eighth Judicial District Court, Family Court Division, Clark County; Steven E. Jones, Judge.

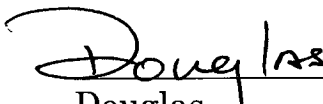
When our preliminary review of the documents before us revealed a potential jurisdictional defect, we directed appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the challenged order was not substantively appealable. See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); NRAP 3A(b). Appellant filed a timely response.


In its response, appellant acknowledges that the challenged order is not the final judgment, that the order is not independently appealable on some other basis, and that this court has explicitly rejected the federal court system's collateral order doctrine. State, Taxicab Authority v. Greenspun, 109 Nev. 1022, 1025, 862 P.2d 423, 425 (1993). Appellant nevertheless urges this court to permit the appeal to proceed because to wait until the underlying dependency proceeding concluded would be too long. Appellant does not mention the availability of an original writ petition pursuant to NRAP 21 and NRS Chapter 34.

“Jurisdictional rules go to the very power of this court to act.”
Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382
(1987). Absent a rule or statute allowing this appeal, this court lacks
jurisdiction to consider its merits. Taylor Constr. Co., 100 Nev. 207, 678
P.2d 1152. The challenged order is neither the final judgment nor
independently appealable pursuant to a rule or statute. Accordingly, as
we lack jurisdiction, we

ORDER this appeal DISMISSED.¹


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Steven E. Jones, District Judge, Family Court Division
Clark County District Attorney David J. Roger/Civil Division
Melvin E.
Wendy E.
Eighth District Court Clerk

¹We note that appellant is free to file an original petition for a writ
of mandamus or prohibition pursuant to NRAP 21 and NRS Chapter 34 to
challenge the district court's order.