

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC BROWN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53838

**FILED**

**MAY 26 2009**

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

ORDER DENYING MOTION FOR STAY

Currently before this court is appellant's motion requesting a stay of the underlying trial proceedings. Appellant asserts in his motion that his new attorney was substituted in the place of his former counsel on May 19, 2009, and that the district court intended to proceed with trial on May 20, 2009. Appellant asserts, however, that his counsel needs additional time to prepare for trial.

The only document before this court is appellant's one-page motion. The basis for this court's jurisdiction is thus unclear. In particular, appellant failed to file a notice of appeal, indicating that he was appealing from a written district court order. See NRAP 3. Thus, this court does not have jurisdiction to consider this motion. To the extent that appellant's motion references a district court order denying appellant's request for a continuance of the trial date, we note that such an order is not independently appealable. See NRAP 3A(b) (listing appealable orders).<sup>1</sup> Moreover, appellant has not met any of the

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<sup>1</sup>Even if this court had jurisdiction to consider the motion, we note that appellant's failure to provide this court with a copy of a written district court order, see Rust v. Clark Cty. School District, 103 Nev. 686,

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procedural requirements for a writ petition that would invoke our original jurisdiction. NRAP 21. Accordingly, because this court lacks jurisdiction to consider appellant's motion, we deny it.

It is so ORDERED.<sup>2</sup>

1. J. J. J., C.J.

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division  
Kristina M. Wildeveld  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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*... continued*

747 P.2d 1380 (1987), and to indicate whether he requested a stay in the district court and that it was denied or that requesting a stay first in the district court was not practicable, see NRAP 8(a), serve as alternative bases for denying his request.

<sup>2</sup>We advise counsel to be more cautious in the future, as the motion filed in this court does not contain a certificate of mailing, indicating that respondent was served with a copy of the motion. NRAP 25. Counsel's failure to comply with our procedural rules in the future may warrant the imposition of sanctions.

We further note that appellant must still pay the supreme court filing fee.