

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES BEYNON,

Appellant,

vs.

LEAH BEYNON,

Respondent.

No. 34882

FILED

MAY 16 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

On January 27, 2000, we received a letter from appellant's counsel, Stanley W. Pierce, indicating that appellant has instructed him "not to do anything further on this appeal." Because appellant's intent regarding this appeal was unclear from counsel's letter, on March 22, 2000, we filed an order directing appellant within twenty days to inform this court whether he intends to proceed with this appeal or simply desires to substitute counsel. We cautioned appellant that failure to respond to that order in a timely fashion may result in the immediate dismissal of this appeal as abandoned. Our March 22, 2000, order further directed appellant's counsel to serve a copy of our order on appellant and to file proof of such service with this court. On April 6, 2000, respondent filed a motion to dismiss this appeal based on appellant's failure timely to file an opening brief or motion to extend time to file the opening brief.

On April 10, 2000, appellant's counsel filed with this court a certificate of mailing stating that on April 6, 2000, appellant's counsel mailed copies of respondent's motion to dismiss this appeal to each of two mailing addresses for appellant. On April 17, 2000, appellant's counsel filed with this court an affidavit of service indicating that on April 10,

2000, Deputy Sheriff Rodger Hymas served a copy of this court's March 22, 2000, order on appellant by delivering and leaving a copy at appellant's address in St. George, Utah.

To date, appellant has not complied with this court's order of March 22, 2000, or otherwise communicated with this court. Appellant has also failed to respond to respondent's April 6, 2000, motion to dismiss this appeal. Cause appearing, we grant respondent's unopposed motion and dismiss this appeal.

It is so ORDERED.

Young, J.
Q. H., J.
Leavitt, J.

cc: Hon. Steven E. Jones, District Judge
Stanley W. Pierce
Joseph W. Houston II
James Beynon
Clark County Clerk