

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL SMITH,
Appellant,

vs.

LYDIA NIEVA; GLENDA BLUMENTHAL
AND NELSON NIEVA, INDIVIDUALLY
AND AS HEIRS TO THE ESTATE OF
ANGEL NIEVA; AND JOANN K. PASSER,
AS SPECIAL ADMINISTRATOR OF THE
ESTATE OF ANGEL NIEVA,
Respondents.

No. 54445

FILED

OCT 22 2009

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

ORDER DISMISSING APPEAL

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). No statute or court rule authorizes an appeal from an order denying a stay; thus, the challenged order is not substantively appealable on this basis. See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken). We therefore

ORDER this appeal DISMISSED.¹

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Pickering, J.
Pickering

¹We note that appellant's failure to pay the supreme court filing fee could constitute an independent basis on which to dismiss this appeal.

cc: Hon. Kathleen E. Delaney, District Judge
Michael Smith
Mainor Eglet Cottle, LLP
Eighth District Court Clerk