

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES RICHARD,  
Appellant,  
vs.  
THE STATE OF NEVADA  
DEPARTMENT OF MOTOR VEHICLES  
AND PUBLIC SAFETY,  
Respondent.

No. 56038

**FILED**

SEP 15 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY W. Lindeman  
DEPUTY CLERK

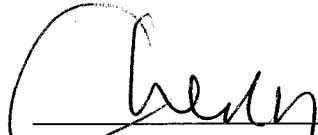
ORDER DISMISSING APPEAL  
AND CONDITIONALLY IMPOSING SANCTIONS

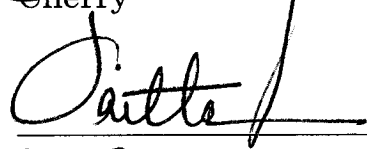
On July 21, 2010, this court entered an order deferring to rule on the parties' stipulation to dismiss this appeal as appellant had failed to pay the \$250 filing fee. See NRAP 42(b) (while parties may agree to dismiss an appeal, an appeal shall not be dismissed until the parties first "pay whatever fees are due"). That order directed appellant to pay the filing fee within ten days. The order cautioned appellant that failure to comply with that order may result in the imposition of sanctions. As of the date of this order, appellant has not complied.

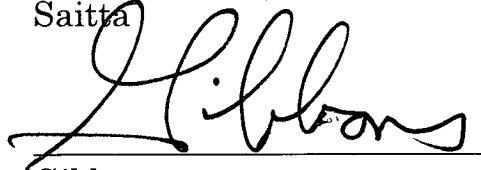
We conclude that appellant's failure to pay the filing fee in compliance with this court's order warrants the *conditional* imposition of sanctions. Within 15 days from the date of this order, appellant shall pay the sum of \$500 to the Supreme Court Law Library and provide this court with proof of such payment. Appellant shall have ten days from the date of this order to pay the \$250 filing fee. If appellant submits the filing fee within that time period, the conditional sanction of \$500 will be automatically vacated. We caution appellant that failure to comply with this order may result in additional sanctions, including referral to the State Bar of Nevada.

Despite the filing fee not having been paid, in the interest of judicial efficiency we elect to approve the parties' stipulation to dismiss this appeal pursuant to their settlement agreement. Accordingly, we dismiss this appeal. The parties shall bear their own costs and attorney fees. NRAP 42(b).

It is so ORDERED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Susan Johnson, District Judge  
Janet Trost, Settlement Judge  
The Eighth District Court Clerk  
Attorney General/Las Vegas  
Moran Law Firm, LLC  
Kathleen Harrington, Supreme Court Law Librarian