

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERALD C. CUNNINGHAM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56222

FILED

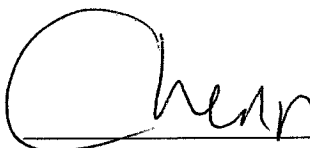
SEP 29 2010


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

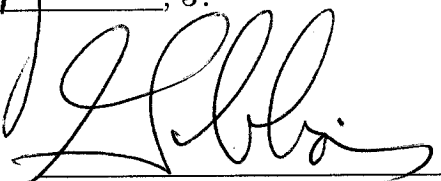
ORDER DISMISSING APPEAL

Appellant seeks to challenge a district court order denying a request to submit. As no statute or court rule authorizes an appeal from an order denying a request to submit, the challenged order is not substantively appealable. See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken); see also Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). Accordingly, we

ORDER this appeal DISMISSED.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Jerald C. Cunningham
Attorney General/Carson City
Carson City Clerk

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