

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLEY IRVIN MCWETHY,
Appellant,
vs.
THE THIRD JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CHURCHILL,
Respondent.

No. 56742

FILED

NOV 12 2010

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order denying a request to impanel a grand jury. Third Judicial District Court, Churchill County; Leon Aberasturi, Judge.

As no statute or court rule authorizes an appeal from an order denying a request to impanel a grand jury, 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) (holding that no appeal may be taken absent statute or court rule). Here, appellant's remedy is to file a petition pursuant to NRS 6.140; an appeal is not available. Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Leon Aberasturi, District Judge
Wesley Irvin McWethy
Churchill County District Attorney
Churchill Co. Clerk