

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD WHITE,

Appellant,

vs.

THE STATE OF NEVADA, OFFICE OF
THE ATTORNEY GENERAL, EX. REL.
FRANKIE SUE DEL PAPA, ATTORNEY
GENERAL,

Respondent.

No. 35380

FILED

DEC 28 1999

BY *JANETTE M. BLOOM*
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a consent judgment and stipulation and from an order entered on March 24, 1995, in Eighth Judicial District Court Case No. A334074. Appellant filed the notice of appeal with the clerk of the district court on April 3, 1995. Thereafter, appellant failed to take necessary steps to cause the record on appeal to be transmitted to the clerk of this court. See NRAP 11(a)¹; see also, *City of Las Vegas v. Int'l Ass'n Firefighters*, 110 Nev. 449, 874 P.2d 735 (1994) (the Nevada Rules of Appellate Procedure place the burden of ensuring timely transmission of the record on appeal on the appellant). Consequently, this appeal was never docketed with this court.

The district court clerk recently made this court aware of the existence of this appeal and transmitted to the clerk of this court an abbreviated record. Cause appearing, the clerk of this court shall docket the appeal and file the abbreviated record. Nevertheless, appellant having failed to

¹ The Nevada Rules of Appellate Procedure in effect prior to the September 1, 1996, revisions and amendments govern this appeal.

take any steps in furtherance of the prosecution of this appeal, we hereby dismiss this appeal as abandoned. See NRAP 3(a) (while failure to take any steps other than the filing of a notice of appeal does not affect the appeal's validity, it may be grounds for dismissal of the appeal).²

It is so ORDERED.

Mausin, J.

Shawing, J.

Becker, J.

cc: Hon. Nancy M. Saitta, District Judge
Hon. Robert W. Lueck, District Judge
Attorney General
Clark County Clerk

² The clerk of this court shall return to the Honorable Robert W. Lueck, appellant's former counsel, the filing fee transmitted with the abbreviated record.