

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY WAYNE WALTERS,  
Appellant,  
vs.  
NIGHTINGALE DEVELOPMENT, LLC;  
ROBERT FORD; AND LOUIS  
MONTELEONE,  
Respondents.

No. 58788

**FILED**

**AUG 17 2011**

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

ORDER DISMISSING APPEAL

On July 14, 2011, this matter was docketed without the required filing fee. This court issued a notice directing appellant to pay the filing fee within 10 days. The notice further advised that failure to pay the filing fee within 10 days would result in the dismissal of this matter. Appellant did not pay the filing fee. Accordingly, cause appearing, this appeal is dismissed.<sup>1</sup>

It is so ORDERED.

CLERK OF THE SUPREME COURT  
TRACIE K. LINDEMAN

BY: Tracie K. Lindeman

<sup>1</sup>On July 29, 2011, appellant filed a "Motion/Request to Voluntarily Withdraw the Submitted Writ of Mandamus" in this case. However, the instant case is a direct appeal and not a writ proceeding. Accordingly, it would appear that appellant erroneously submitted the motion in the instant matter. Appellant in the instant matter is also the petitioner in an original writ proceeding presently pending before this court, Walters v. State, No. 58738. Therefore, the motion will be transferred from the docket in this case to the docket in Walters v. State, No. 58738, which involves a petition for a writ of mandamus.

cc: Hon. Doug Smith, District Judge  
Gary Wayne Walters  
Law Offices of Douglas C. Crawford  
Callister & Associates  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk