

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 36005

MARGARET LYNETTE CUNNINGHAM,

Appellant,

vs.

JARED SHAFER, PUBLIC
ADMINISTRATOR,

Respondent.

FILED

JUN 07 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rehak*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a minute order denying appellant's motion to terminate a guardianship of appellant's estate. The minute order is dated November 4, 1994, and appellant filed her notice of appeal on November 15, 1994. No action had been taken by appellant to cause the record on appeal to be transmitted to this court. The district court clerk recently made this court aware of the existence of this appeal.

On April 24, 2000, this court entered an order directing the clerk of this court to docket the appeal. In this order, we noted that it appeared that this court lacked jurisdiction over this matter, and granted appellant thirty (30) days within which to inform this court whether she wished to proceed with this appeal. Appellant responded on May 12, 2000, and stated that she did in fact wish to proceed. Appellant also stated that she believes that the district court deliberately failed to enter a written order denying her motion to terminate the guardianship, so that she could not appeal.

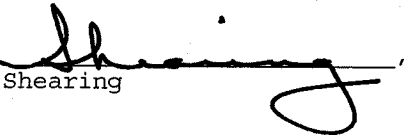
No appeal may be taken from a minute order. See Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987). A notice of appeal filed before the entry of a

formal written order is of no effect. Id.; see also NRAP 4(a)(1). Here, the notice of appeal was filed before the entry of a formal written order. It is thus of no effect, and fails to confer jurisdiction on this court.¹

Accordingly, as we lack jurisdiction over this appeal, we

ORDER this appeal dismissed.


Maupin J.


Shearing J.


Becker J.

cc: Hon. Robert E. Gaston, District Judge,
Family Court Division
Jolley Urga Wirth & Woodbury
Margaret Lynette Cunningham
Clark County Clerk

¹We note that should the district court refuse to enter a written order on appellant's motion, appellant may have recourse by means of a petition for extraordinary relief, pursuant to NRS Chapter 34. We make no comment on the merits of any such petition.