

IN THE SUPREME COURT OF THE STATE OF NEVADA

CONSTABLE JOHN BONAVENTURA,
AN INDIVIDUAL AND IN HIS
CAPACITY AS ELECTED OFFICIAL
LAS VEGAS TOWNSHIP CONSTABLE,
Appellant,
vs.
LAUGHLIN TOWNSHIP CONSTABLE
JORDAN ROSS, AN INDIVIDUAL; AND
HENDERSON TOWNSHIP
CONSTABLE EARL MITCHELL, AN
INDIVIDUAL,
Respondents.

No. 65897

FILED

SEP 02 2014

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

ORDER DISMISSING APPEAL AND IMPOSING SANCTIONS

This is an appeal from a district court order denying a motion to disqualify Judge Ronald J. Israel. Respondents have moved to dismiss this appeal for lack of jurisdiction, asserting that no statute or court rule permits an appeal from an order denying a motion to disqualify a judge. Respondents also seek sanctions under NRAP 38, noting that appellant's previous appeal from a district court sanctions order was dismissed for lack of jurisdiction, *see Bonaventura v. Ross*, Docket No. 64370 (Order Dismissing Appeal, March 18, 2014), and claiming that appellant thereafter frivolously filed the motion to disqualify, and then this appeal, to further delay the district court contempt proceedings arising from the sanctions order.

Appellant filed an opposition to the motion. Within the opposition's 12 pages, only three sentences, found on page 2 and repeated nearly verbatim on page 6, relate to this court's jurisdiction. In those sentences, appellant asserts that orders denying motions to disqualify can

be reviewed by writ petition or appeal, citing to *Ybarra v. State*, 127 Nev. ___, 247 P.3d 269 (2011), but explaining that *Ybarra* was decided on the pre-2010 Nevada Code of Judicial Conduct and that no published opinion has been rendered with respect to the revised 2010 code. Respondents have filed a reply, pointing out that appellant's opposition fails to cite to any relevant legal or statutory authority.

We agree with respondents that we lack jurisdiction over this appeal. Appellant has pointed to no statute or court rule providing for an appeal from an interlocutory order denying a motion to disqualify a judge, and none appears to exist. See *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984); NRAP 3A(b); Nev. Code Jud. Conduct. *Ybarra* was an appeal from an order denying post-conviction relief in a criminal case; although an order denying a motion to disqualify was discussed in the context of that appeal, we in no manner indicated that an appeal directly from such an order was proper. Indeed, jurisdiction was not even mentioned. 127 Nev. ___, 247 P.3d 269. Accordingly, we grant the motion to dismiss and for sanctions under NRAP 38. Appellant's counsel, Robert B. Pool, shall have 15 days from the date of this order to personally pay respondents \$250 for their efforts in contesting jurisdiction. We thus

ORDER this appeal DISMISSED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Robert B. Pool
Goodman Law Group
Eighth District Court Clerk