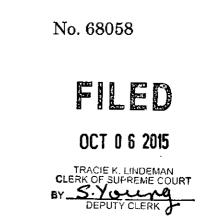
IN THE SUPREME COURT OF THE STATE OF NEVADA

WANDERLEI SILVA, Appellant/Cross-Respondent, vs. BOB BENNETT, EXECUTIVE DIRECTOR FOR THE ATHLETIC COMMISSION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA; AND NEVADA STATE OF NEVADA; AND NEVADA STATE ATHLETIC COMMISSION, Respondents/Cross-Appellants.



ORDER DISMISSING APPEAL AND CROSS-APPEAL

This is an appeal and cross-appeal from a district court order granting in part and denying in part a petition for judicial review of a decision of the Nevada State Athletic Commission and remanding for rehearing of appropriate discipline.

When our preliminary review of the docketing statement and documents submitted to this court revealed a potential jurisdictional defect, we ordered the parties to show cause why this appeal and crossappeal should not be dismissed for lack of jurisdiction. Specifically, it appeared that the district court's order was not appealable as a final judgment because it remands the matter for further substantive proceedings. *See Bally's Grand Hotel v. Reeves*, 112 Nev. 1487, 929 P.2d 936 (1996); *State, Taxicab Auth. V. Greenspun*, 109 Nev. 1022, 862 P.2d 423 (1993). In response to our order, appellant has filed a notice of withdrawal of appeal in which he concedes that the district court's order is not final and thus not appealable. Cross-appellant has filed a notice of withdrawal of the cross-appeal.

SUPREME COURT OF NEVADA The notices of withdrawal are treated as motions for voluntary withdrawals. The motions are granted and this appeal and cross-appeal are dismissed.

It is so ORDERED.

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Saitta

Gibbons

icker ing ___, J. Pickering

cc: Hon. Kerry Louise Earley, District Judge Goodman Law Group Attorney General/Transportation Division/Las Vegas Eighth District Court Clerk

SUPREME COURT OF NEVADA