

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PETITION
OF THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS.

No. 77407

FRANK MILFORD PECK,
Appellant,

vs.

THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

FILED

MAR 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting in part a petition to compel production of biological specimens and from an order denying a motion for findings of fact and conclusions of law. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Review of the notices of appeal and documents before this court reveals jurisdictional defects. First, appellant is not aggrieved by the order granting in part the motion to compel. See NRAP 3A(a) (allowing an appeal by an aggrieved party). The order permits the collection of specimens from two specific inmates other than appellant. Second, the order does not appear to be substantively appealable as a final judgment under NRAP 3A(b)(1) because it does not address respondent's request for an order allowing the collection of specimens from all "uncooperative" inmates at High Desert State Prison, Southern Desert Correctional Center, and Florence McClure Women's Correctional Center. And no other statute or court rule appears to authorize an appeal from the order. See *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court "may only consider appeals authorized by statute or court rule").

Although appellant suggests in his docketing statement that the order is appealable under NRS 12.130(c),¹ NRCP 24,² NRS 12.130(1)(a),³ NRCP 56(d),⁴ and NRAP 3A(b)(3),⁵ none of these statutes or court rules allows for an appeal from the order. Third, no statute or court rule allows an appeal from an order denying a motion for findings of fact and conclusions of law. Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.⁶

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

¹12.130(c) provides “Intervention is made as provided by the Nevada Rules of Civil Procedure.”

²NRCP 24 governs intervention.

³NRS 12.130(1)(a) relates to the right to intervention.

⁴NRCP 56(d) relates to summary judgment orders.

⁵NRAP 3A(b)(3) permits an appeal from “[a]n order granting or refusing to grant an injunction or dissolving or refusing to dissolve an injunction.”

⁶Given this dismissal, the court takes no action on the pro se documents filed on November 21 and 30, 2018.

cc: Hon. Linda Marie Bell, Chief Judge
Frank Milford Peck
Attorney General/Las Vegas
Eighth District Court Clerk