

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Appellant,
vs.
THE STATE OF NEVADA; AND
C.C.D.C.,
Respondents.

No. 76944

JOHN ELVIN TURNER,
Appellant,
vs.
THE STATE OF NEVADA; AND
C.C.D.C.,
Respondents.

No. 77799 ✓

FILED

MAR 22 2019

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

*ORDER DISMISSING APPEAL AND REGARDING
OCTOBER 15, 2018, NOTICE OF APPEAL*

Docket No. 77799 is an appeal from a district court order statistically closing a case. Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge. Review of the notice of appeal and documents before this court in that docket reveals a jurisdictional defect. A form order statistically closing a case is not substantively appealable. *Brown v. MHC Stagecoach*, 129 Nev. 343, 301 P.3d 850 (2013). Accordingly, this court lacks jurisdiction over the appeal in Docket No. 77799 and orders that appeal dismissed.

Docket No. 76944 is an appeal from a minute order dismissing appellant's complaint, made in the same district court case at issue in Docket No. 77799. On October 1, 2018, this court dismissed the appeal in Docket No. 76944 because a minute order is not appealable. Two days later, the district court entered its written Findings of Fact, Conclusions of Law

and Order. On October 15, 2018, appellant timely filed, in the district court, a notice of appeal from the written order. That notice of appeal was filed in Docket No. 76944 as an amended notice of appeal. No action was taken on the amended notice of appeal and the remittitur issued on October 29, 2018. Under these circumstances, this court concludes that the October 15, 2018, notice of appeal was erroneously filed in Docket No. 76944. The clerk of this court shall strike the October 15, 2018, notice of appeal from Docket No. 76944 and docket it as a new appeal.

It is so ORDERED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. Kerry Louise Earley, District Judge
John Elvin Turner
Attorney General/Las Vegas
Eighth District Court Clerk