

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERVIN MIDDLETON,
Appellant,
vs.
BANK OF AMERICA, N.A.,
Respondent.

No. 72365

FILED

AUG 10 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order granting summary judgment. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.


The appeal was docketed in this court on February 15, 2017. On that date, the clerk of this court issued a notice to appellant informing him of the deadlines for the requesting of transcripts and filing of the docketing statement and briefs. Pursuant to that notice, the docketing statement was due March 7, 2017, and the opening brief was due June 15, 2017. NRAP 14, NRAP 31. To date appellant has not filed either of the documents.

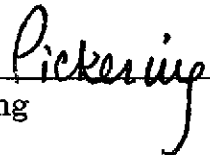
On June 28, 2017, respondent filed a motion to dismiss this appeal based upon appellant's failure to file the docketing statement and opening brief. See NRAP 31(d) ("If an appellant fails to file an opening brief or appendix within the time provided by this Rule, or within the time extended, a respondent may move for dismissal of the appeal or the court may dismiss the appeal on its own motion."); NRAP 14(c) ("Failure to file a docketing statement within the time prescribed shall not affect the validity of the appeal, but is grounds for such action as the court deems appropriate

including sanctions and dismissal of the appeal.”). Appellant has neither filed an opposition to the motion to dismiss, a motion for an extension of time, nor otherwise communicated with this court. Accordingly, we grant respondent’s motion, and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Eric Johnson, District Judge
Ervin Middleton
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Eighth District Court Clerk