

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBERT ROY HOLMES,
Appellant,
vs.
ERNEST MILLER; AND CAPUCINE
YOLANDA HOLMES,
Respondents.

No. 84065

FILED

JAN 28 2022

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

ORDER DISMISSING APPEAL

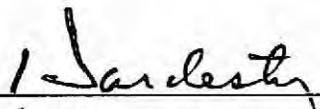
This is a pro se appeal from an order granting a motion for attorney fees and costs. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

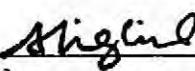
Review of the docketing statement and documents before this court reveals a jurisdictional defect: the challenged order is not substantively appealable. Although appellant indicates that the appeal is from a postjudgment order, in fact, no final judgment has yet been entered. See NRAP 3A(b)(8). Claims against defendant and respondent Ernest Miller remain pending in the district court. Although the district court docket entries indicate that appellant has filed defaults and motions for default judgment against Miller, no default judgment has been entered. A default, unlike a default judgment, does not fully resolve any claims. See generally *Estate of Lomastro v. American Family Ins. Grp.*, 124 Nev. 1060, 1068, 195 P.3d 339, 345 (2008) (recognizing the distinction between a default and a default judgment). In the absence of a final judgment, there can be no special order after final judgment. NRAP 3A(b)(8); see *Lee v. GNLV Corp.*,

116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment).

Accordingly, this court lacks jurisdiction, and therefore

ORDERS this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Michael Villani, District Judge
Wilbert Roy Holmes
Ernest Miller
Heaton Fontano, Ltd.
Eighth District Court Clerk