

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHERIFF JOSEPH LOMBARDO, ON
BEHALF OF LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT; AND THE STATE OF
NEVADA,

Appellants,

vs.

MATEO JESUS FACIO,

Respondent.

No. 84622

FILED

MAY 13 2022

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

ORDER DISMISSING APPEAL

This is an appeal from an order remanding respondent to the custody of the Clark County Detention Center. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

Respondent has moved to dismiss the appeal for lack of jurisdiction contending that there is no statute or court rule that provides for an appeal from an order remanding a defendant from the custody of the Nevada state Department of Corrections to the county detention center. Appellant Sheriff Joseph Lombardo, on behalf of the Las Vegas Metropolitan Police Department opposes the motion and argues that without this appeal, he will have no remedy to object to the transportation of respondent to his custody. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). No court rule or statute provides for an appeal from the challenged order.

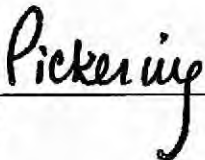
This court acknowledges that Sheriff Lombardo recently filed a petition for an extraordinary writ in this court challenging the same order. In that petition Sheriff Lombardo argued that he had no adequate legal remedy thereby warranting an extraordinary remedy. This court exercised

its discretion and declined to entertain the petition for extraordinary writ relief. *Las Vegas Metro. Police Dep't v. Dist. Ct. (State)*, Docket No. 84459 (Order Denying Petition, April 1, 2022). This does not give the court jurisdiction over this direct appeal.

Accordingly, we grant the motion and
ORDER this appeal DISMISSED.

, J.
Silver

, J.
Cadish

, J.
Pickering

cc: Hon. Jacqueline M. Bluth, District Judge
Chief Judge, The Eighth Judicial District Court
Hon. James M. Bixler, Senior Judge
Attorney General/Carson City
Clark County District Attorney
Marquis Aurbach Coffing
Special Public Defender
Eighth District Court Clerk