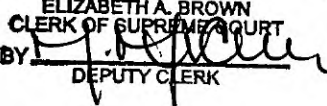


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 87793-COA

FILED
OCT 31 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

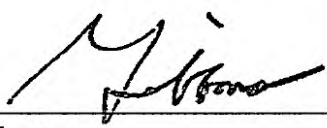
Wilbert Roy Holmes appeals from a district court order denying a motion to set aside an order, judgment, and/or default. Eighth Judicial District Court, Clark County; Anna C. Albertson, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. Specifically, no final judgment has been entered because claims remain pending as to defendant/respondent, Ernest Miller. The prior order granting summary judgment granted it only as to respondent Capucine Yolanda Holmes and, as a result, was not a final judgment, nor was it certified as final pursuant to NRCP 54(b). *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000) (stating a final judgment is one that resolves all claims as to all parties); *KDI Sylvan Pools, Inc. v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). Therefore, a motion under NRCP 60(b) was not available. *Barry v. Lindner*, 119 Nev. 661, 81 P.3d 537 (2003), *superseded by rule on other grounds as stated in LaBarbera v. Wynn Las Vegas, LLC*, 134 Nev. 393, 395, 422 P.3d 138, 140 (2018). While a post-judgment order denying NRCP 60(b) relief is appealable as a special order after final judgment, NRAP 3A(b)(8); *Holiday Inn v. Barnett*, 103 Nev. 60,

732 P.2d 1376 (1987), an interlocutory order of this kind is not independently appealable, *cf. Reno Hilton Resort Corp. v. Verderber*, 121 Nev. 1, 106 P.3d 134 (2005) (holding that an interlocutory order denying a new trial motion is not appealable).

Because no final judgment has been entered in this matter, and it does not appear that any other statute or court rule allows for this appeal, *see* NRAP 3A(b) (listing orders and judgments from which an appeal may be taken); *see also Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (noting that this court generally has authority to consider an appeal only when authorized by statute or court rule), we conclude that we lack jurisdiction.

Accordingly, for the reasons set forth above, we
ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Anna C. Albertson, Judge
Wilbert Roy Holmes
Ernest Miller
Heaton Fontano, Ltd.
Eighth District Court Clerk