

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK S. MERLE,

Appellant,

vs.

LOUANN MATHENY, F/K/A LOUANN
MERLE,

Respondent.

No. 39151

FILED

AUG 01 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *J. Richard*
CHIEF DEPUTY CLERK


ORDER DISMISSING APPEAL

On March 3, 2003, the settlement judge filed a report which stated that appellant's attorney reported he would request that this matter be remanded to the district court for further proceedings. Accordingly, on April 14, 2003, this court entered an order directing appellant to file a report on the status of this case within 10 days. On April 21, 2003, appellant filed a status report which indicated appellant's desire to remand this matter back to the district court for further proceedings pursuant to Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585 (1978).


Accordingly, on May 2, 2003, we directed appellant to file, within 60 days, a stipulation to dismiss this appeal, together with a copy of an order of the district court certifying that upon remand it is inclined to grant the parties' requested relief. We further ordered appellant to inform this court in writing if he is unable to obtain Huneycutt certification, and cautioned that failure to comply with the order may result in the dismissal of this appeal as abandoned.

To date, appellant has not responded to our May 2, 2003, order or otherwise communicated with this court. Accordingly, cause appearing, we dismiss this appeal as abandoned.

It is so ORDERED.

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. John M. Iroz, District Judge
Carolyn Worrell, Settlement Judge
Kyle B. Swanson
Virginia R. Shane
Humboldt County Clerk