

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH OATS,

Appellant,

vs.

CHARLES UNGER AND MARGARET
MOORE, A/K/A MARGARET LARSEN,
Respondents.

No. 39357

FILED

MAY 22 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT

BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

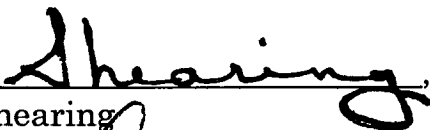
This is an appeal from a district court order denying appellant's motion to view the court file in Carl Unger v. Margaret L. Moore, Case No. D169261, an action in the Eighth Judicial District Court involving paternity, child custody and support, and fees. On August 27, 2002, this court entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that appellant did not appear to be an aggrieved party under NRAP 3A(a) because he was not named as a party of record and because he had represented in a motion filed in this court that he is "[a] third party, not involved in the case directly."


On September 16, 2002, appellant filed a response to the order to show cause. Appellant contends that this court has jurisdiction to grant appellate relief to a party that was not named in the district court. Specifically, appellant contends that in Mulford v. Davey, 64 Nev. 506, 186 P.2d 360 (1947), this court "review[ed] the sealing of records statutes and common law issues" and granted relief "by way of an original writ of mandamus." As appellant indicates, Mulford was an original proceeding in this court, and not an appeal from district court. Thus, insofar as appellant proposes that Mulford establishes that this court has jurisdiction over this appeal, we conclude it is inapplicable to this case.

Appellant also contends that in City of Reno v. Harris, 111 Nev. 672, 895 P.2d 663 (1995), this court held that a party can “file an appeal before the Supreme Court, even though it was not a party in the lower court action” if that party “had a vested interest.” In City of Reno, the City of Reno appealed from a district court order directing that a writ of mandamus issue against it. We concluded that the City of Reno was aggrieved under NRAP 3A(a) because it had a vested interest in supporting its zoning decisions. Id. At 680. Because no writ petition has been issued against appellant, we conclude that City of Reno is also inapplicable and does not support appellant’s contention that this court has jurisdiction over this appeal.

As previously noted, the district court case appellant appeals from does not involve appellant and appellant has represented that he is “[a] third party, not involved in the [district court] case directly.” Accordingly, we conclude that we lack jurisdiction because appellant is not an aggrieved party under NRAP 3A(a) and we dismiss this appeal. See also, Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994) (a person is not a party unless he makes an appearance and is named as a party of record). This dismissal is without prejudice to appellant’s right to petition this court for extraordinary relief. See NRAP 21.

It is so ORDERED.

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. William O. Voy, District Judge, Family Court Division
Joseph W. Houston II
Law Office of Daniel Marks
Lynn R. Shoen
Clark County Clerk