

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARTER R. KING, ESQ.,
Appellant,
vs.
BLAINE E. CARTLIDGE, ESQ.,
Respondent.

No. 41218

FILED

MAR 04 2004

ORDER DISMISSING APPEAL

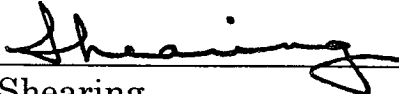
JANETTE W. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is a proper person appeal from a judgment entered in an action for breach of contract, conversion of security collateral and fraudulent transfer of assets. When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why the appeal should not be dismissed. Appellant responded, but he did not establish that we had jurisdiction.¹ Because it appeared that the district court had not yet entered a final written order or judgment adjudicating respondent Cartlidge's claims against defendant Marsano, on August 15, 2003, we again ordered appellant to show cause why his appeal should not be dismissed. In this order, we advised appellant that he might be able to cure the jurisdictional defect by procuring an appropriate order and filing a timely amended notice of appeal. He was further cautioned that failure to demonstrate this court's jurisdiction could result in dismissal of this appeal.

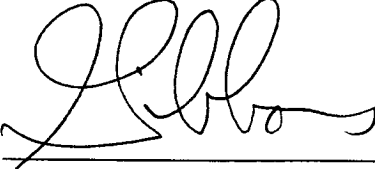
¹The first, June 4, 2003 show cause order directed a response as to whether the district court had entered a final written adjudication of respondent Cartlidge's claims against defendant Marsano and whether Marsano's abuse of process counterclaim remained pending. In appellant's response to this order, he contended that he had not filed an abuse of process counterclaim on behalf of Marsano; respondent's reply demonstrated that the district court had stricken Marsano's counterclaims. But neither party demonstrated that the district court had entered a final written judgment in this action.

On October 23, 2003, appellant notified this court of an October 17, 2003 district court order dismissing Cartlidge's claims against Marsano. This order may constitute a final written judgment.² Nonetheless, appellant's notice of appeal precedes the final judgment and is therefore premature. A premature notice of appeal is ineffective and does not invoke the jurisdiction of this court.³ Further, because appellant did not file an amended notice of appeal after the district court dismissed Cartlidge's claims, we lack jurisdiction to entertain this appeal.⁴ Accordingly, we

ORDER this appeal DISMISSED.⁵


_____, C.J.
Shearing


_____, J.
Becker


_____, J.
Gibbons

²See Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000); KDI Sylvan Pools 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);

³Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987); NRAP 4(a)(1).

⁴As it appears that no notice of the October 17, 2003 order's entry has been served, we note that appellant may still be able to perfect an appeal in this case.

⁵In view of our determination to dismiss this appeal, we deny as moot appellant's request for a stay pending appeal, as well as appellant's request for an extension of time in which to file a supplemental response to the show cause order.

cc: Hon. Peter I. Breen, District Judge
Cathy Valenta Weise, Settlement Judge
Carter R. King
Blaine E. Cartlidge
Washoe District Court Clerk