

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM H. ASKWITH,
Appellant,
vs.
VICTOR LEE MILLER,
Respondent.

No. 41277

FILED

MAY 09 2003

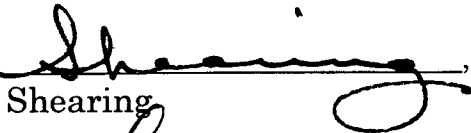
ORDER DISMISSING APPEAL


JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*


This proper person appeal is taken from a district court order determining that appellant is entitled to receive a copy of his legal file from his former attorney and that, under this court's prior order, no additional sums are owed to appellant by the former attorney. Our review of the documents transmitted under NRAP 3(e) reveals jurisdiction defects. First, to the extent that the order directs the former attorney to provide the file, appellant is not aggrieved. Under NRAP 3A(a), only an aggrieved party may appeal from a judgment or order, and, with respect to the file, appellant received the relief he requested. Additionally, to the extent that the order noted that this court previously upheld the district court's award of attorney fees and costs, it cannot be challenged. This court's prior order established the law of the case and is not subject to

modification.¹ As we lack jurisdiction to consider this appeal, we dismiss it.²

It is so ORDERED.

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. Michael L. Douglas, District Judge
William H. Askwith
Victor Lee Miller
Clark County Clerk

¹See, e.g., Geissel v. Galbraith, 105 Nev. 101, 769 P.2d 1294 (1989), modified on other grounds by Willerton v. Bassham, 111 Nev. 10, 889 P.2d 823 (1995).

²Although appellant was not granted leave to proceed in proper person under NRAP 46(b), we have received and considered appellant's documents. Appellant states that he has petitioned the district court for in forma pauperis status but that the district court has not yet responded. Appellant has also submitted a request for in forma pauperis status with this court. As we lack jurisdiction over this appeal, we decline to direct the district court to rule on appellant's in forma pauperis petition. We note, however, that appellant's failure to pay the filing fee could constitute an independent basis on which to dismiss this appeal.