

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARIAN BRAUN,
Appellant,
vs.
LORI BRAUN,
Respondent.

No. 41605

FILED

JUL 27 2004

ORDER DISMISSING APPEAL

JANETTE M BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

This is an appeal from a district court order entering a default judgment against appellant in a tort case. Eighth Judicial District Court, Clark County; Michael L. Douglas, Judge.

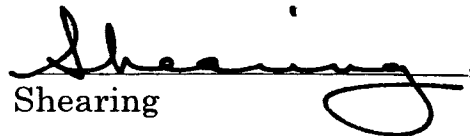
This appeal was docketed in this court in June 2003. The parties participated in a settlement conference but were unable to agree to a settlement. This court reinstated the time deadlines for requesting transcripts and filing briefs in October 2003.

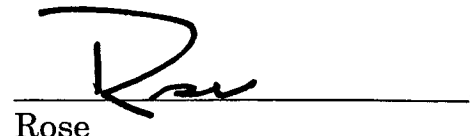
On March 10, 2004, appellant's counsel filed a motion to withdraw as counsel. Attorney Todd L. Bice with the law firm of Schreck Brignone represented that he did "not have the ability to communicate directly with Appellant, and Appellant is not cooperating with the prosecution of this appeal" and that appellant had not paid his legal fees that had accrued to that date. Mr. Bice indicated that appellant's last known address was that of his mother's residence in Elmhurst, New York. We granted the motion to withdraw on April 6, 2004. We further gave appellant 60 days from the date of the order to retain new counsel to represent him in this appeal or to inform this court that he did not intend to retain new counsel. We informed appellant that if he did not retain new counsel, this appeal would proceed as a proper person appeal.

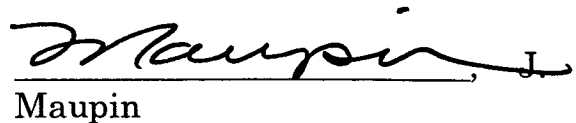
We attempted to serve a copy of our April 6, 2004, order on appellant at his last known address, as provided to us by appellant's counsel. But on May 7, 2004, Paula Braun returned, unopened the envelope from this court that contains the April 6, 2004, order. Ms. Braun indicated that she had agreed to hold mail for appellant, "who does not reside here & hasn't lived here in over 20 years." She further informed this court that she did not have a forwarding address for appellant and had "no idea if or when [she could] give such letter[] to him."

It appears that appellant has moved and this court is unable to communicate with him. To date, appellant has not notified this court of any address change or otherwise corresponded with this court, nor has new counsel entered an appearance on behalf of appellant. Because it appears that appellant no longer wishes to proceed with this appeal, we

ORDER this appeal DISMISSED.

 C.J.
Shearing

 J.
Rose

 J.
Maupin

cc: Eighth Judicial District Court Dept. 11, District Judge
Darian Braun
Jolley Urga Wirth & Woodbury
Clark County Clerk