

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES R. HIMES,

Appellant,

vs.

GAIL ANDERSON, ADMINISTRATOR,
REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS AND
INDUSTRY, THE STATE OF NEVADA;
AND THE NEVADA APPRAISERS OF
REAL ESTATE COMMISSION,

Respondents.

No. 41616

FILED

FEB 10 2005

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

ORDER DISMISSING APPEAL

On September 20, 2004, this court entered an order directing appellant to request transcripts in compliance with NRAP 9(a). On September 23, 2004, appellant filed a motion to dismiss pursuant to NRAP 42(b) and response to the court's September 20, 2004, order.

Appellant states that "the transcript of the hearing below was transcribed . . . and filed in district court on April 30, 2003, which was several months before the filing of the notice of appeal." We elect to treat the response as notification that appellant will not be requesting the preparation of additional transcripts for this appeal. See NRAP 9(a).

In support of the motion to dismiss appeal, counsel for appellant notes that this appeal challenges a district court order denying appellant's "pre-hearing" writ petition seeking to stop disciplinary proceedings against him before respondent Nevada Appraisers of Real Estate Commission (Commission). Counsel further notes that many of the legal challenges in the instant case are also present in a second and subsequent case brought against appellant before the Commission. Hence, appellant and respondent have agreed in concept that the instant

appeal should be dismissed and that the issues presented in this appeal and in the subsequent Commission proceedings "should be resolved in a single proceeding for judicial review before being presented to this Court on appeal." Counsel for appellant further states that she provided a stipulation to dismiss to respondent that was "returned . . . to include the words dismissed 'with prejudice.'" Counsel states that "[t]he inclusion of those words in the proposed stipulation have motivated [her] to file this motion in order to ensure that" dismissal of this appeal will not operate as a bar to any future remedies appellant might seek after conclusion of the proceedings before the Commission.

Without expressing an opinion regarding the existence of remedies available to appellant after conclusion of proceedings before the Commission, including an appeal to this court, we note, generally, that any aggrieved party may appeal from a final judgment of the district court resolving a petition for judicial review of a final administrative decision. See NRS 233B.150; NRAP 3A. Cause appearing, we grant appellant's motion for voluntary dismissal of this appeal, and we dismiss this appeal.

It is so ORDERED.

Becker, C.J.
Becker

Maupin, J.
Maupin

Douglas, J.
Douglas

cc: Eighth Judicial District Court Dept. 3, District Judge
Law Offices of Laura Wightman-FitzSimmons/Las Vegas
Attorney General Brian Sandoval/Carson City
Clark County Clerk