

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID BENITEZ,
Appellant,
vs.
THE CITY OF RENO, NEVADA, BY
AND THROUGH THE RENO POLICE
DEPARTMENT,
Respondent.

No. 41753

FILED

AUG 07 2003

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


ORDER DISMISSING APPEAL


This proper person appeal is taken from a district court order that denied two motions: (1) a motion to oppose the entry of default, which was treated as a motion to set aside the previously entered default, and (2) a motion for the appointment of counsel. Our review of the documents transmitted under NRAP 3(e) reveals that we lack jurisdiction over this appeal. The right to appeal is governed by statutes and court rules; if no statute or rule authorizes an appeal, then no appeal may be taken.¹ In this case, no statute or rule provides for an appeal from an order denying a

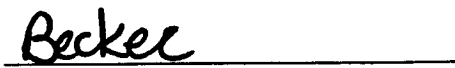
¹See, e.g., Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

motion to set aside a default² or an order denying a motion for the appointment of counsel.³ Consequently, we

ORDER this appeal DISMISSED.⁴

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. Steven P. Elliott, District Judge
David Benitez
Reno City Attorney
Washoe District Court Clerk

²Cf. Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975)(concluding that no appeal may be taken from an order setting aside the entry of default).

³See generally NRAP 3A.

⁴Appellant's failure to pay the filing fee on appeal constitutes an independent basis on which this appeal could be dismissed.