

IN THE SUPREME COURT OF THE STATE OF NEVADA

BENSON LEE,
Appellant,
vs.
BRENDA BERTSCH LEE,
Respondent.

No. 41798

FILED

NOV 15 2004

ORDER DISMISSING APPEAL

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

This is an appeal from a June 27, 2003 district court order concerning property equalization and the award of attorney fees in a divorce proceeding. Eighth Judicial District Court, Family Court Division, Clark County; N. Anthony Del Vecchio, Judge.

On May 6, 2004, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We pointed out that the June order did not appear substantively appealable because it did not appear to be a final judgment.¹ A final judgment is one that disposes of the issues presented in the case and leaves nothing for the future consideration of the court except for attorney fees and costs.² Here, the district court docket entries showed that a final divorce decree had not yet been entered when the notice of appeal was filed. Thus, the June order did not appear to be appealable because it was subject to review and

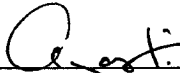
¹NRAP 3A(b)(1).


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

modification by the district court.³ To date, appellant has failed to respond to our May 2004 order to show cause. Accordingly, because appellant has failed to demonstrate that we have jurisdiction, we

ORDER this appeal DISMISSED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. N. Anthony Del Vecchio, District Judge, Family Court Division
E. Paul Richitt Jr., Settlement Judge
Law Office of Benson Lee, Esq.
Brenda Bertsch Lee
Clark County Clerk

³See In re Temporary Custody of Five Minors, 105 Nev. 441, 777 P.2d 901 (1989) (holding that no appeal may be taken from a temporary order subject to periodic mandatory review and modification by the court).