

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIFFANY WRIGHT, AS ESTATE  
REPRESENTATIVE OF CEDRIC  
BOUCHEE WRIGHT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42314

**FILED**

SEP 15 2004

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

ORDER DISMISSING APPEAL

This is an appeal from an October 3, 2003 district court order that denied a motion to strike a peremptory challenge, determined that a proposed contempt order against respondent would be improper, and consequently dismissed related pending district court contempt proceedings as moot. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge.

On June 16, 2004, when our preliminary review of the documents submitted to this court revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, we were concerned that the October 3 order was not substantively appealable. Appellant and respondent timely filed, respectively, a response and a reply.

This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.<sup>1</sup> “No rule or statute

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<sup>1</sup>Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994); Mazzan v. State, 109 Nev. 1067, 863 P.2d 1035 (1993).

authorizes an appeal from an order of contempt.”<sup>2</sup> Likewise, there is no such authorization for an appeal from an order refusing, in effect, to find a party in contempt or to impose sanctions, or denying a motion to strike a peremptory challenge.<sup>3</sup> Therefore, this court lacks jurisdiction over this appeal. Accordingly, we

ORDER this appeal DISMISSED.

Becker, J.  
Becker

Agosti, J.  
Agosti

Gibbons, J.  
Gibbons

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<sup>2</sup>Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000) (recognizing that writ petitions, but not appeals, are the appropriate instrument with which to challenge district court contempt orders).

<sup>3</sup>Id.; State Engineer v. Truckee-Carson Irrig., 116 Nev. 1024, 1029, 13 P.3d 395, 398 (2000) (“Extraordinary relief is the appropriate remedy when the district court improperly grants or fails to grant a peremptory challenge under SCR 48.1.”); cf. State, Dep’t Mtr. Veh. v. Dist. Ct., 113 Nev. 1338, 1342-43, 948 P.2d 261, 263 (1997) (granting a petition for a writ of prohibition to arrest the proceedings of the district court after it improperly struck a peremptory challenge).

cc: Hon. John S. McGroarty, District Judge  
Lester H. Berkson, Settlement Judge  
Palazzo Law Firm  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger/Civil Division  
Clark County Clerk