

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD H. WALTERS,
Appellant,

vs.

NEVADA DEPARTMENT OF PRISONS;
CRAIG FARWELL, WARDEN,
LOVELOCK CORRECTIONAL
CENTER; AND TED D'AMICO,
MEDICAL DIRECTOR,
Respondents.

No. 42405

FILED

JAN 05 2004

JANETTE L. BLOWEN
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK


ORDER DISMISSING APPEAL

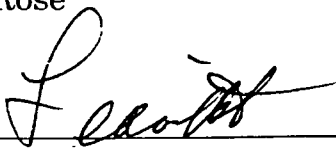
This proper person appeal challenges a district court order that denied cross-motions for summary judgment. Our review of the documents transmitted under NRAP 3(e) reveals at least two jurisdiction defects. In particular, no appeal lies from an order denying summary judgment.¹ Additionally, to the extent that the district court's order partially dismissed plaintiff's claims, it is not appealable. An appeal may be taken only when authorized by statute or rule, and an order partially dismissing claims is not among the interlocutory orders appealable under

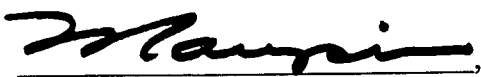
¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

NRAP 3A(b).² Accordingly, as we lack jurisdiction over this appeal, we dismiss it.

It is so ORDERED.


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Hon. Richard Wagner, District Judge
Richard Harold Walters
Attorney General Brian Sandoval/Carson City
Pershing County Clerk

²Cf. NRAP 3A(b)(1)(authorizing an appeal from a final judgment); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000)(providing that a final judgment disposes of all claims in the action).