

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANYA S. DUKE,
Appellant,
vs.
ROGER M. SIMON, M.D.,
INDIVIDUALLY, AND AS AGENT FOR
RETINA CONSULTANTS OF NEVADA,
A NEVADA CORPORATION,
Respondent.

No. 42820

FILED

MAY 28 2004

JANETTE M. BLUON,
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This proper person appeal is taken from two pretrial orders entered by the district court on January 15, 2004. The first order denied appellant's motion to reconsider pretrial issues concerning discovery and reassignment of the case. The second order denied appellant's motion to file a supplement to the second amended complaint. Our review of the documents before us reveals a jurisdictional defect. The right to appeal is statutory; if no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for the right to appeal from either January 15, 2004 order.² Accordingly, as we lack jurisdiction

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

²See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (stating that an order denying rehearing is not appealable); NRAP 3A(b)(1) (providing the right to appeal from a final judgment).

over this appeal, we

ORDER this appeal DISMISSED.³

Becker J.
Becker

Agosti J.
Agosti

Gibbons J.
Gibbons

cc: Eighth Judicial District Court Department 11, District Judge
Alverson Taylor Mortensen Nelson & Sanders
Anya S. Duke
Clark County Clerk

³We note, however, that appellant, if aggrieved, may appeal from the district court's final judgment.

Appellant did not pay the supreme court filing fee for this appeal, although on March 1, 2004, appellant submitted a letter informing us that she moved the district court for a fee waiver and was awaiting the district court's decision. Consequently, appellant followed the procedure outlined in NRAP 24(a) and, since we are dismissing this appeal on jurisdictional grounds, we conclude that no filing fee is due.