IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN NILSON,
Appellant,
vs.
JENNIFER NILSON AND ELLEN KNIGHTON,
Respondents.

No. 43033

FILED

NOV 17 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting respondent Ellen Knighton's motion to intervene in a child custody proceeding.[1] Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.

In July 2004, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We pointed out that the order appealed from did not appear substantively appealable because it did not appear to be a final judgment.[2] 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.[3]

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[1]Knighton is the paternal grandmother of the two minor children who are the subject of the underlying proceeding. She has moved the district court for visitation with the children.

[2]NRAP 3A(b); see also Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (explaining that this court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule).

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

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Here, it appears that the district court's February 18, 2004 order was not a final order, because it did not resolve the custody and visitation issues before the court. Rather, the order merely grants Knighton's motion to intervene.[4] To date, appellant has failed to respond to our July 2004 order to show cause. Accordingly, because appellant has failed to demonstrate that we have jurisdiction, we

ORDER this appeal DISMISSED.[5]

_____, J.
Rose

_____, J.
Maupin

_____, J.
Douglas

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Howard & Eccles
Lynn R. Shoen, Chtd.
Jennifer Nilson
Clark County Clerk

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[4]See Aetna Life & Casualty v. Rowan, 107 Nev. 362, 812 P.2d 350 (1991) (providing that once a motion to intervene is granted, the intervener becomes a party to an action).

[5]In light of this order, we deny as moot appellant's June 14, 2004 motion to extend time for filing an opening brief.