

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLAUDIA CANTU, F/K/A CLAUDIA
HART,
Appellant,
vs.
RICHARD HART,
Respondent.

No. 44818

FILED

NOV 28 2005

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

ORDER DISMISSING APPEAL

This is an appeal from a January 2005 district court order concerning a medical examination for the parties' minor child and from a minute order affirming the January order. Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.

When our review of the documents submitted to this court under NRAP 3(e) revealed potential jurisdictional defects, we ordered appellant to show cause why her appeal should not be dismissed for lack of jurisdiction. We pointed out that it appeared that the January order granting respondent's request that the parties' minor child undergo a medical examination was not substantively appealable,¹ and that no

¹See NRAP 3A(b).

appeal may be taken from a minute order, as a district court's oral ruling is ineffective for any purpose.² Appellant has filed a response; respondent has filed a reply.

In her response to our show cause order, appellant contends that this court has jurisdiction to consider this appeal because the January order is a final judgment. Appellant also suggests, without explanation, that the January order is a special order after final judgment. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule.³ 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.⁴ Under NRAP 3A(b)(2), a post-judgment order affecting the rights of the parties growing out of the final judgment may be appealable as a special order made after final judgment.⁵ Here, the final judgment is the 1995 divorce decree. The January 2005 order does not affect the rights of the parties arising out of the final decree, as the order simply directs that the parties' minor child to undergo a medical examination. As for the minute order, appellant concedes that no written order has been entered; and thus, the

²Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987).

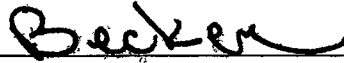
³Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

⁴Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

⁵Gumm v. Mainor, 118 Nev. 912, 59 P.3d 1220 (2002).

district court's oral ruling is ineffective for any purpose and is not appealable.⁶ Since we lack jurisdiction to consider this appeal, we dismiss it.

It is so ORDERED.⁷


_____, C.J.
Becker


_____, Sr. J.
Shearing


_____, Sr. J.
Young

⁶See Rust, 103 Nev. 686, 747 P.2d 1380.

⁷In light of this order, we deny as moot appellant's September 26, 2005 motion for stay pending appeal, and attorney Harter's motion to withdraw. Additionally, although appellant has not been granted permission to file documents in this matter in proper person, see NRAP 46(b), we have received and considered appellant's October 20, 2005, proper person document. Finally, we deny as moot respondent's July 20, 2005 motion to extend the time in which to file an answering brief, and direct the clerk of this court to return, unfiled, respondent's answering brief provisionally received on July 27, 2005.

The Honorable Miriam Shearing, Senior Justice, and the Honorable Cliff Young, Senior Justice, participated in the decision of this matter under general orders of assignment entered on July 14, and July 18, 2005.

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Mathew P. Harter
Backus Carranza
Clark County Clerk