

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES KEVIN MCFERRON,
Appellant,
vs.
MARY FRANCES MCFERRON,
Respondent.

No. 49959

FILED

APR 16 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; N. Anthony Del Vecchio, Judge.

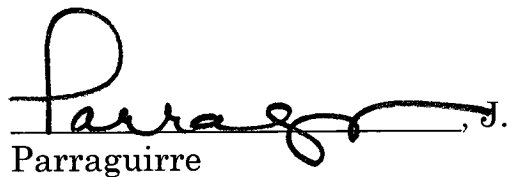
This appeal was docketed in this court on August 6, 2007. On July 3, 2008, we entered an order that, in part, gave appellant 90 days from the order's date within which to file and serve the opening brief. After appellant failed to file the opening brief we issued a notice, on October 10, 2008, for appellant to file the brief within 15 days. When appellant failed to comply with our October 10 notice, we entered an order on November 19, 2008, conditionally imposing a \$500 sanction. Nevertheless, the November 19 order provided that if appellant filed his opening brief or moved for an extension of time to do so within ten days from the order's date, the sanction would be automatically vacated.

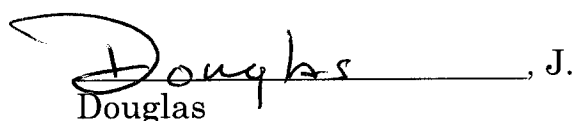
When appellant failed to respond to our November 19 order, we entered an order on January 23, 2009, providing that the \$500 sanction remained in effect and directing appellant's counsel to provide proof of the sanction's payment and to file and serve the opening brief within seven days from the order's date.

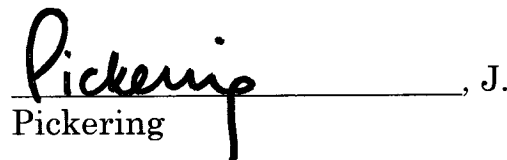
When appellant's counsel failed to respond to our January 23 order, we entered an order on February 20, 2009, removing appellant's counsel as counsel of record and directing appellant to, within 30 days from the order's date, obtain new counsel and cause counsel to file an appearance with this court, or to inform this court in writing if he did not intend to retain new counsel. To date, appellant has failed to respond to this court's February 20 order. Indeed, the copy of this court's February 20 order that was sent by certified mail to appellant was returned to this court, and no forwarding address was provided.

As appellant has failed to respond to our order and has not provided this court with his current address—leaving us unable to communicate with him—we conclude that appellant has abandoned his appeal. Accordingly, we

ORDER this appeal DISMISSED.


Parraguirre


Douglas


Pickering

cc: Eighth Judicial District Court Dept. K, District Judge,
Family Court Division
Carolyn Worrell, Settlement Judge
James Kevin McFerron
Mary Frances McFerron
Eighth District Court Clerk