


IN THE SUPREME COURT OF THE STATE OF NEVADA

ERICK MARQUIS BROWN,  
Appellant,  
vs.  
BRIAN SANDOVAL; GOVERNOR OF  
THE STATE OF NEVADA; AND  
STEVEN B. WOLFSON, CLARK  
COUNTY DISTRICT ATTORNEY,  
Respondents.

No. 77807

FILED

MAR 08 2019

ELIZABETH L. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an October 9, 2018, district court order dismissing a complaint. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.


Review of the notice of appeal and documents before this court reveals a jurisdictional defect. Appellant filed a petition for a writ of mandamus in the district court on March 29, 2018. Although it appears that appellant served a complaint on numerous defendants during July and August of 2018, it appears that no complaint was filed in the district court until September 28, 2018. On September 26, 2018, prior to the filing of the complaint, the district court entered an order dismissing the complaint and denying the writ petition. That order appears to be the final judgment in the underlying matter because it finally resolved the only matter pending at the time, the writ petition. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). The district court's October 9, 2018, post-judgment order dismissing the complaint as to the Clark County District Attorney is not appealable as a special order after final judgment, *see* NRAP 3A(8); *Gumm v. Mainor*, 118 Nev. 912, 59 P.3d 1220 (2002) (defining a special order after final judgment), and does not

appear to be otherwise appealable, *see Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013) (this court “may only consider appeals authorized by statute or court rule”).

To the extent appellant appeals from the September 26, 2018, order, the notice of appeal was untimely filed. Notice of entry of the September 26, 2018, order was served via mail on September 27, 2018. Appellant did not file his notice of appeal until December 24, 2018, long after the expiration of the 30-day period to file the notice of appeal. *See* NRAP 4(a)(1).

Finally, to the extent the district court allowed appellant to proceed with the September 28, 2018, complaint because it allowed the complaint to be filed and did not strike it, it still appears that this court lacks jurisdiction over this appeal from the October 9, 2018, order. That order is not a final judgment because no order has been entered finally resolving the complaint as to the defendants other than the Clark County District Attorney.<sup>1</sup> And the order does not appear to be otherwise appealable. *See Brown*, 129 Nev. at 345, 301 P.3d at 851 (2013). Accordingly, this court concludes that it lacks jurisdiction and

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Silver

<sup>1</sup>The September 26, 2018, order of dismissal does not resolve the complaint as that order was entered prior to the date the complaint was filed.

cc: Hon. Mark R. Denton, District Judge  
Erick Marquis Brown  
Clark County District Attorney/Civil Division  
Attorney General/Las Vegas  
Eighth District Court Clerk