

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,  
Appellant,  
vs.  
BARBARA K. CEGAVSKE,  
Respondent.

No. 80145-COA

**FILED**

JUN 19 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

Bryan Phillip Bonham appeals from a district court order purportedly dismissing a civil rights complaint. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


Bonham filed a civil rights complaint against respondent Barbara K. Cegavske, and Cegavske moved to dismiss. The court then entered an order directing that the matter be set for hearing. Confusingly, while the order itself is entitled "Order Setting Hearing on Defendant's Motion to Dismiss," the heading on the second page of the order indicates that the order "type" is "Order - Dismissal." Bonham treated this decision as an order dismissing the case and filed a notice of appeal.

This court may only consider appeals authorized by statute or court rule. *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). It is well established that, in determining the nature of a challenged order, the appellate courts look to what the order actually does, not the label assigned to it. *Id.* Here, while the heading on the second page of the order indicates the order "type" is "Order - Dismissal," the text of the order merely directs that a hearing be set on Cegavske's motion to dismiss. This language is consistent with the overall title of the order, which provides that the order is setting a hearing on that motion.

No statute or court rule provides for an appeal from an order setting a hearing on a motion to dismiss. *See* NRAP 3A(b) (designating the judgments and orders from which an appeal may be taken). And there is nothing in the record or the documents before us demonstrating that a dismissal order or some other decision that finally resolved Bonham's claims has since been entered. Thus, because a final, appealable decision has not been entered, *see Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating that, to be a final judgment or order, it must dispose of all issues presented in the case and leave nothing for future consideration except post-judgment issues), we lack jurisdiction over this appeal, and we therefore

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Attorney General/Carson City  
Attorney General/Las Vegas  
Pershing County Clerk