

IN THE SUPREME COURT OF THE STATE OF NEVADA

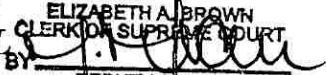
FERRILL JOSEPH VOLPICELLI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87504

**FILED**

DEC 22 2023

ORDER DISMISSING APPEAL

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

This is an appeal from a district court order denying vacatur of judgment. Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. NRAP 3A(b)(1) allows appeals from final judgments in civil actions. A final, appealable judgment in a civil action “is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney’s fees and costs.” *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000).


Here, appellant filed a civil complaint requesting vacatur of a judgment designating him a habitual offender. Although the district court issued an order denying appellant’s request, the court did not dismiss appellant’s complaint or otherwise finally resolve the action. Indeed, shortly after the district court entered the order, appellant filed a motion for leave to file an amended civil complaint for vacatur that appears to remain pending below. Consequently, appellant has not demonstrated that the challenged order is appealable as a final judgment. *See Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to

invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”); *see also Bergenfield v. BAC Home Loans Servicing*, 131 Nev. 683, 685, 354 P.3d 1282, 1284 (2015) (“a district court order dismissing a complaint with leave to amend is not final and appealable”). Further, it does not appear that the challenged order is 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”). Accordingly, this court

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Kathleen A. Sigurdson, District Judge  
Ferrill Joseph Volpicelli  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk