

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE ANTHONY ALLEN A/K/A  
ABDULIA USEF ALI,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 41274

**FILED**

**NOV 25 2003**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER TO COMPLY WITH NRAP 9(a), TO FILE OPENING BRIEF  
AND APPENDIX AND DENYING PROPER PERSON MOTION

Pursuant to order of this court entered on May 7, 2003, appellant was required to comply with NRAP 9(a) by June 27, 2003. Because appellant had not yet complied with NRAP 9(a), on July 30, 2003, this court entered an order directing appellant to comply with NRAP 9(a) within 10 days. Because appellant had still not complied with NRAP 9(a), on September 9, 2003, this court entered another order directing appellant to comply with NRAP 9(a) within 10 days. That order cautioned appellant that failure to comply with that order could result in the imposition of sanctions.

To date, appellant has failed to comply with NRAP 9(a). Appellant shall have 10 days from the date of this order to file either a transcript request form or a certificate indicating that no transcripts are being requested.

Pursuant to the approved stipulation of the parties filed October 14, 2003, the opening brief and appendix were due to be filed by November 10, 2003. To date, appellant has failed to file the opening brief and appendix. Appellant shall have 15 days from the date of this order to file and serve the opening brief and appendix. We caution appellant's

counsel that failure to comply with this order may result in the imposition of sanctions.

Appellant has submitted a motion requesting this court to remove his appointed counsel. Further, it appears that appellant wishes to proceed in this appeal in proper person. We note that appellant has not been granted leave to file documents in proper person. See NRAP 46(b). Nevertheless, because we elect to resolve this motion on its merits, the clerk shall file the proper person document received on August 27, 2003.

Appellant has no right to proceed in proper person on appeal. See *Martinez v. Court of Appeal of California, Fourth Appellate District*, 528 U.S. 152, 120 S.Ct. 684 (2000); *Blandino v. State*, 112 Nev. 352 914 P.2d 624 (1996). Accordingly, we deny appellant's motion to remove his counsel and allow him to proceed in proper person. The clerk shall return, unfiled, the proper person documents received on September 8, 2003; September 11, 2003; September 17, 2003; September 30, 2003; October 6, 2003; October 8, 2003; October 29, 2003; November 3, 2003; November 14, 2003; and November 21, 2003. Appellant shall address all concerns relating to this appeal to his counsel of record.

It is so ORDERED.

Agosti, C.J.

cc: William J. Taylor  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Gene Allen