

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY FARHADIAN,
Appellant,
vs.
SQUADRON EXECUTIVE SUITES,
Respondent.

No. 42939

FILED

AUG 09 2004

ORDER DISMISSING APPEAL

CLERK OF
BY *J. Richards*
DEPUTY CLERK

This proper person appeal is taken from a district court order dismissing a complaint. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.


Our review of the documents before us reveals a jurisdictional defect. In particular, the district court entered an order dismissing the complaint on December 12, 2003. Notice of the order's entry was served by mail on December 17, 2003. Appellant's notice of appeal was not filed until March 4, 2004, however, outside the thirty-three day window provided by NRAP 4(a) and NRAP 26(c). Additionally, according to the district court docket entries, appellant did not file a timely motion under NRCP 50, NRCP 52 or NRCP 59, which would have tolled the time for filing a notice of appeal.¹ Further, appellant's post-judgment motion to remove and vacate the dismissal order does not appear to be a motion for relief under NRCP 60(b) for surprise, inadvertence or excusable neglect. Instead, it appears to simply be a motion for reconsideration. An order denying a motion for reconsideration is not appealable.² Consequently, we


¹See NRAP 4(a)(2).

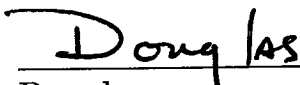
²Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

conclude that we lack jurisdiction to consider this appeal, and we dismiss it.³

It is so ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Jackie Glass, District Judge
Gary Farhadian
Ryan, Marks, Johnson & Todd
Clark County Clerk

³Appellant's failure to pay the supreme court filing fee could constitute an independent basis on which to dismiss this appeal. Although appellant was not granted leave to proceed in proper person under NRAP 24(a), we have received and considered appellant's documents.