

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43200

FILED

NOV 24 2004

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court dismissing a motion to compel respondent to comply with a 1987 district court order and an order denying a motion for rehearing. This court's preliminary review of this appeal reveals several jurisdictional defects. The district court entered the order dismissing appellant's motion to compel on September 10, 2003. Appellant did not file the notice of appeal, however, until April 20, 2004, well after the expiration of the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court.¹ Thus, we lack jurisdiction to consider the appeal as it relates to the order denying the motion to compel.

Appellant's attempt to appeal from the denial of the motion for rehearing is also defective. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.² No


¹See Lozada v. State, 110 Nev. 349, 871 P.2d 944 (1994).

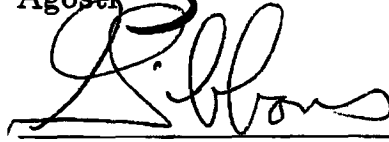
²Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

statute or court rule provides for an appeal from an order denying a motion for rehearing. Accordingly, we

ORDER this appeal DISMISSED.

 _____, J.
Becker

 _____, J.
Agosti

 _____, J.
Gibbons

cc: Hon. Jackie Glass, District Judge
Michael Smith
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk