

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALAN R. DICICCO,  
Appellant,  
vs.  
KATHERINE WENTZEL,  
Respondent.

No. 43695

FILED

AUG 24 2004

ORDER DISMISSING APPEAL

JANETIE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This proper person appeal is taken from a district court order that denied a motion for a change in custody and from an oral order denying a motion for reconsideration. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Judge.

Our review of the documents before us reveals that we lack jurisdiction to consider this appeal. In particular, we note that appellant's July 27, 2004 notice of appeal is not timely with respect to the district court's May 28, 2004 order denying a custody change. Under NRAP 4(a)(1), a notice of appeal must be filed no more than thirty days after the date that written notice of an order's entry is served. NRAP 26(c) provides an additional three days if service is by mail. Here, notice of the district court's May 28 order was served by mail on June 9, 2004. Consequently, appellant's July 27, 2004 notice of appeal was filed too late.

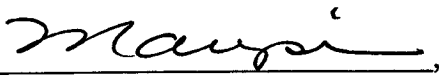
Additionally, we lack jurisdiction to review the district court's July 19, 2004 oral order denying appellant's motion for reconsideration. No appeal lies from a minute order; until an order is reduced to writing and entered by the court, it is ineffective for any purpose, and no appeal

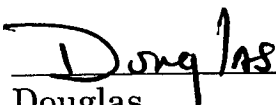
may be taken.<sup>1</sup> Further, even a formal, written order denying reconsideration is not appealable.<sup>2</sup>

As we lack jurisdiction to consider this appeal, we dismiss it.

It is so ORDERED.<sup>3</sup>

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. T. Arthur Ritchie, District Judge, Family Court Division  
Alan R. Diccio  
Dempsey Roberts & Smith, Ltd.  
Clark County Clerk

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<sup>1</sup>Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987); NRAP 4(a)(1).

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

<sup>3</sup>We note that appellant's failure to pay the supreme court filing fee could constitute an independent basis on which to dismiss this appeal.