

IN THE SUPREME COURT OF THE STATE OF NEVADA

MYRIATRICE CALDWELL,
Appellant,
vs.
EL CORTEZ HOTEL & CASINO AND
MICHAEL LAVALLEE,
Respondents.

No. 43959

FILED

OCT 26 2004

ORDER DISMISSING APPEAL

JANETTE H. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruben*
CHIEF DEPUTY CLERK

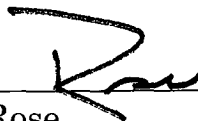
This proper person appeal is taken from a district court order denying a motion for reconsideration. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.


On July 2, 2004, the district court entered an order granting respondents' motion for summary judgment. On the same day, appellant submitted a "motion to appeal." On July 6, 2004, respondents served written notice that the district court had entered its July 2 summary judgment order. At a hearing on July 26, 2004, the court clarified with appellant that her "motion to appeal" was a motion for reconsideration and gave respondents one week to oppose the motion. Subsequently, on August 5, 2004, the court entered an order denying the motion for reconsideration. Written notice of this order's entry was served by mail on August 10, 2004. Appellant filed her notice of appeal on September 13, 2004.

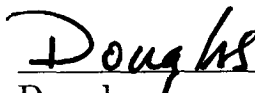
Appellant's September 13, 2004 notice of appeal is untimely with respect to the district court's July 2 summary judgment order. Under NRAP 4(a), a notice of appeal must be filed no more than thirty days after written notice of an order's entry is served. Three extra days are provided if service is accomplished by mail. In this case, appellant's notice of

appeal was filed more than thirty-three days after written notice of the summary judgment order was served. Additionally, a motion for reconsideration does not interrupt the time for filing a notice of appeal,¹ and no appeal lies from an order denying reconsideration.² Accordingly, as we lack jurisdiction, we dismiss this appeal.

It is so ORDERED.³


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Michelle Leavitt, District Judge
Myriatrice Caldwell
Beckley Singleton, Chtd./Las Vegas
Clark County Clerk

¹Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

²Id.

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