

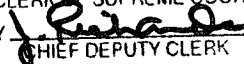
IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRY MOSLEY A/K/A THERESA  
MOSLEY,  
Appellant,  
vs.  
SEAN MAHAN,  
Respondent.

No. 44189

FILED

MAR 28 2005

JANETTE M BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court judgment, entered September 23, 2004, that awards respondent \$10,110 for back rent and \$600 for an air compressor. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.


When our preliminary review of the docketing statement and the NRAP 3(e) documents revealed a potential jurisdictional defect, we ordered appellant, on January 26, 2005, to show cause why this appeal should not be dismissed. We were concerned that a final, appealable judgment was entered on May 13, 2004, without appellant filing a notice of appeal within thirty days of the date that notice of entry was served.<sup>1</sup> The September 23, 2004 judgment merely duplicates the relief awarded in a June 4, 2002 order, and the May 13, 2004 order purports to resolve all remaining claims and counterclaims, possibly constituting the final

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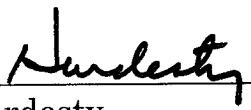
<sup>1</sup>See NRAP 4(a)(1).

judgment in this case.<sup>2</sup> Consequently, appellant's October 27, 2004 notice of appeal appeared untimely, as the district court's duplication of an earlier order cannot re-start the time for filing a notice of appeal.<sup>3</sup>

Appellant has not responded to our show cause order. Accordingly, we conclude that this court lacks jurisdiction, and we ORDER this appeal DISMISSED.

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

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<sup>2</sup>See Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (clarifying "that a final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs").

<sup>3</sup>See Walker v. Scully, 99 Nev. 45, 657 P.2d 94 (1983) (stating that a district court lacks the authority to extend the time for filing a notice of appeal).

cc: Hon. Lee A. Gates, District Judge  
William F. Buchanan, Settlement Judge  
Callister & Reynolds  
Sean Mahan  
Clark County Clerk