

IN THE SUPREME COURT OF THE STATE OF NEVADA

JIMMY GETTINGS,
Appellant,
vs.
NEVADA STATE CONTRACTORS'
BOARD,
Respondent.

No. 44559

FILED

MAR 22 2005

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order denying reconsideration. Second Judicial District Court, Washoe County; Peter I. Breen, Judge.

The right to appeal is statutory; where no statute or court rule authorizes an appeal, no right to an appeal exists.¹ No statute or court rule authorizes an appeal from an order denying a motion for reconsideration.² In addition, a motion for reconsideration does not toll the time for filing a notice of appeal.³ Accordingly, appellant's time for filing a notice of appeal began to run when he was served with notice of entry of the district court order denying his petition for judicial review on November 3, 2004. Appellant's notice of appeal, filed on January 20, 2005,


¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

²See NRAP 3A(b); Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

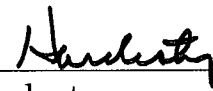
³Id.

is untimely and failed to vest jurisdiction in this court.⁴ Consequently, we dismiss this appeal.

It is so ORDERED.⁵


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Peter I. Breen, District Judge
Walter Bruce Robb
Jimmy Gettings
Washoe District Court Clerk

⁴See NRAP 4(a).

⁵Although appellant was not granted leave to proceed in proper person, see NRAP 46(b), we have considered the proper person documents received from him. Because it appears that appellant was granted leave to proceed in forma pauperis in the district court, we waive the filing fee due in this appeal. See NRAP 24(a).