

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHIRLEE D. LASPINA,
Appellant,

vs.

LEE ANN LUTTRELL; DANA D. LYNN;
LINDA D. SOUTHWELL; AND DONNA
M. ALBRIGHT,
Respondents.

No. 44840

FILED

JAN 31 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rubande*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court judgment entered on an arbitration award. In her notice of appeal, appellant also challenges district court orders that scheduled a judgment debtor examination and directed appellant to show cause why she should not be held in contempt, and an order of contempt. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Based on our review of the documents before this court, we conclude that we lack jurisdiction to consider this appeal because the notice of appeal was untimely filed. A notice of appeal must be filed within thirty days after written notice of entry of the challenged judgment is served.¹ When service is accomplished by mail, an additional three days is allowed for filing the notice of appeal.²

Here, appellant's notice of appeal was due not later than March 2, 2005, thirty-three days after written notice of the challenged

¹NRAP 4(a)(1).

²NRAP 26(c).

judgment was served by mail. Notice of appeal, however, was not filed until March 4, 2005, which was two days late. An untimely notice of appeal fails to vest jurisdiction in this court.³

NRAP 3A(b)(2) does not authorize appeal from an order to show cause why the appellant should not be held in contempt of court or from an order scheduling a judgment debtor examination. We have previously stated that the proper mode of review of these orders is by extraordinary writ.⁴

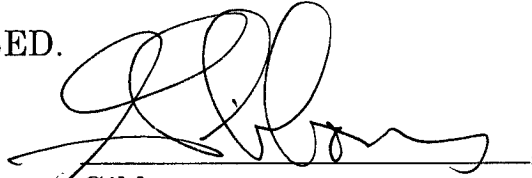
The contempt order was entered against appellant on April 5, 2005. The notice of appeal was filed on March 4, 2005. The appeal was filed before the final judgment was entered. Therefore, because the appeal was filed before a final judgment was entered it is premature,⁵ and we lack jurisdiction. In the instant case, the contempt order was not addressed until it was included in the appeal statement of October 13, 2005. Therefore, the contempt order is untimely under NRAP 4(A)(1) because the appeal was filed more than six months after the order for contempt was entered into against the appellant.

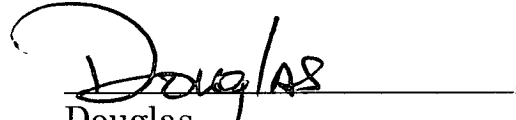
³Healy v. Volkswagenwerk, 103 Nev. 329, 741 P.2d 432 (1987).

⁴See Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000).

⁵Moran v. Bonneville Square Assocs., 117 Nev. 525, 530, 25 P.3d 898, 901 (2001).

Accordingly, because we lack jurisdiction over this appeal, we
ORDER this appeal DISMISSED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Shirlee D. Laspina
Donna M. Albright
Lee Ann Luttrell
Dana D. Lynn
Linda D. Southwell
Eighth District Court Clerk