

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN E. SIMMONS, SR.,
Appellant,
vs.
CLARK COUNTY JUSTICE COURT,
HENDERSON TOWNSHIP AND
JUDGE/JUSTICE RODNEY T. BURR,
Respondents.

No. 45890

FILED

OCT 25 2005

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order denying appellant's third motion for reconsideration. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an appeal from an order denying a motion for reconsideration.² Further, appellant's September 1, 2005 notice of appeal is untimely as to the final

¹See NRAP 3A(b); Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984).

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

district court order denying extraordinary relief, service of entry of which was apparently made in 2004.³ Accordingly, as we lack jurisdiction, we

ORDER this appeal DISMISSED.

Becker, C.J.
Becker

Rose, J.
Rose

Parraguirre, J.
Parraguirre

cc: Hon. Kenneth C. Cory, District Judge
John E. Simmons Sr.
Clark County District Attorney David J. Roger/Civil Division
Clark County Clerk

³See NRAP 4(a) (providing that a notice of appeal must be filed within thirty days of the date that notice of the appealable order's entry is served).