

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL GAGLIANO,
Appellant,
vs.
SANTIAGO AREVALO AND MARIO
GONZALEZ,
Respondents.

No. 50981

FILED

MAR 10 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

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

Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, an order denying a motion for reconsideration is not appealable.¹ Accordingly, as we lack jurisdiction to consider this appeal, we

¹Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983) (stating that an order denying reconsideration is not appealable).

ORDER this appeal DISMISSED.²

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Hon. Jackie Glass, District Judge
Paul Gagliano
Law Offices of Douglas R. Johnson
Eighth District Court Clerk

²In light of this order, appellant need not file the transcript request form and civil proper person appeal statement sent to him on January 29, 2008.

It appears that the district court's order denying Gagliano's motion for reconsideration is an interlocutory order as there is no final judgment below. We note that this court may construe a notice of appeal naming a post-judgment order as being from the appealable final judgment when it is timely and there is no prejudice to respondents. See Forman v. Eagle Thrifty Drugs & Markets, 89 Nev. 533, 535-36, 516 P.2d 1234, 1235-36 (1973)), overruled on other grounds by Garvin v. Dist. Ct., 118 Nev. 749, 59 P.3d 1180 (2002). In this case, our rule in Forman does not appear to apply.