

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES SCOTT,
Appellant,
vs.
LUXOR HOTEL & CASINO,
Respondent.

No. 51813

JAMES SCOTT,
Appellant,
vs.
LUXOR HOTEL & CASINO,
Respondent.

No. 52445

FILED

NOV 13 2009

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

ORDER OF AFFIRMANCE

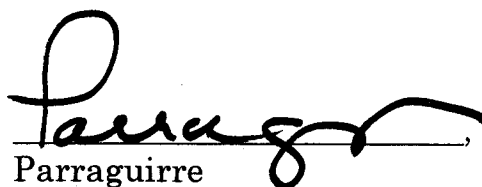
These are consolidated appeals from district court orders dismissing appellant's petitions for judicial review.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge and Joseph T. Bonaventure, Senior Judge.


In these appeals, appellant challenges the district court's dismissal of his petitions for judicial review for failure to timely file his

¹To the extent that appellant, in Docket No. 52445, seeks to appeal from the order denying reconsideration of the dismissal of his judicial review petition in that case, we note that such an order is not substantively appealable. See Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983). And, because the motion for reconsideration was denied after appellant filed his September 15, 2008, notice of appeal in that case, we have not considered the arguments raised by appellant in his motion for reconsideration in resolving this appeal. See Arnold v. Kip, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007) (noting that if a motion for reconsideration is resolved on the merits before an appeal is filed, this court will consider the arguments raised in the motion in resolving the appeal).

memorandum of points and authorities within the 40-day period set forth in NRS 233B.133(1). Having reviewed the briefs and the record on appeal, we conclude that the district court did not abuse its discretion in dismissing appellant's petitions for judicial review. NRS 233B.133. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Chief Judge, Eighth Judicial District
Hon. Douglas W. Herndon, District Judge
Hon. Joseph T. Bonaventure, Senior Judge
Janet Trost, Settlement Judge
Greenman Goldberg Raby & Martinez
Lewis Brisbois Bisgaard & Smith, LLP
Eighth District Court Clerk