

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID S. KIM,

No. 35018

Appellant,

vs.

OK CHA KIM,

Respondent.

FILED

SEP 26 2000

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

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court denying appellant's NRCP 60(b) motion for relief from an order.


In 1993, the parties were granted a divorce. In 1998, respondent moved the district court to set aside the divorce decree for lack of personal jurisdiction. The district court granted respondent's motion. Appellant did not appeal. Approximately six months later, appellant moved the district court for relief pursuant to NRCP 60(b). On September 1, 1999, the district court entered its order denying appellant's NRCP 60(b) motion. On September 15, 1999, notice of entry of order was filed and served by mail. On October 19, 1999, appellant filed a notice of appeal. On April 24, 2000, respondent filed in this court a motion to dismiss the appeal for lack of jurisdiction based on the untimely filing of the notice of appeal. On May 8, 2000, appellant filed a response to the motion to dismiss.

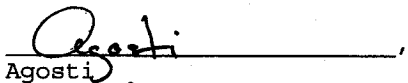
Based upon our review of the motion to dismiss, the opposition, and other documents before this court, we conclude that we lack jurisdiction to consider this appeal because the notice of appeal was untimely filed. A notice of appeal must be filed no later than thirty days after the date of service of written notice of entry of the order. See NRAP 4(a). If

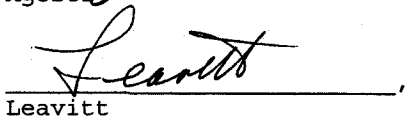
service is accomplished by mail, an additional three days is added to the prescribed period for filing the notice of appeal. See NRAP 26(c).

Here, appellant's notice of appeal was due on October 18, 1999, thirty-three days after service of notice of entry of the order by mail. Appellant's notice of appeal, filed on October 19, 1999, was filed one day late. An untimely notice of appeal fails to vest jurisdiction in this court. See *Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P.2d 980 (1983). Accordingly, as we lack jurisdiction to entertain this appeal, we

ORDER this appeal dismissed.


Shearing J.


Agosti J.


Leavitt J.

cc: Hon. Steven E. Jones, District Judge,
Family Court Division
George R. Carter
McCullough & Associates
Clark County Clerk