

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE DAVENPORT (RE: 7637  
SIERRA PASEO LANE),  
Appellant,  
vs.  
GMAC MORTGAGE, LLC, A FOREIGN  
CORPORATION,  
Respondent.

No. 57002

**FILED**

**JAN 18 2011**

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

ORDER DISMISSING APPEAL


This is an appeal from an attorney fees award entered after the district court certified as final orders dismissing respondent from the action. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.


Respondent moves to dismiss this appeal, pointing out that the October 14, 2010, notice of appeal was filed more than 33 days after the appealed order's notice of entry was served by mail on August 31, 2010. NRAP 4(a)(1); NRAP 26(c). Appellant opposes the motion, asserting that this court has jurisdiction to consider matters decided by the district court before the notice of appeal is filed and arguing that, because he relied on this court's order in a related matter when he filed his notice of appeal here, the NRAP 4 deadline should be tolled.

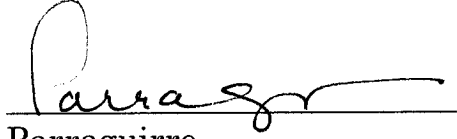
But this court lacks jurisdiction to consider appeals when the notice of appeal is not timely filed, Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987), and nothing in this court's order in the related matter indicated that the appeal period would be tolled or suggested that a notice of appeal from the attorney fees award could be filed late. See Davenport v. GMAC Mortgage, Docket No. 56697

(Order to Show Cause, September 29, 2010). Accordingly, we lack jurisdiction over this untimely appeal, and we

ORDER this appeal DISMISSED.

 \_\_\_\_\_, J.  
Saitta

 \_\_\_\_\_, J.  
Hardesty

 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Elissa F. Cadish, District Judge  
G. Dallas Horton & Associates  
Hall Jaffe & Clayton, LLP  
Vannah & Vannah  
Kolesar & Leatham, Chtd.  
Eighth District Court Clerk