

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANYA S. DUKE,
Appellant,
vs.
ROGER M. SIMON, M.D.; AND RETINA
CONSULTANTS OF NEVADA,
Respondents.

No. 60123

FILED

AUG 23 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is a proper person appeal from post-judgment district court orders awarding attorney fees and costs. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

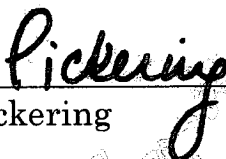
Notice of entry of the challenged orders occurred on April 1, 2011, September 8, 2011, and September 22, 2011. The notice of appeal was filed on January 24, 2012. Thus, the notice of appeal was untimely filed.¹ NRAP 4(a)(1). Because an untimely notice of appeal fails to vest jurisdiction in this court, we conclude that we lack jurisdiction to consider

¹On October 26, 2011, appellant filed a motion for a stay of the post-judgment orders in her appeal of the underlying December 2010 district court judgment in Docket No. 57570. This court entered an order denying the motion for a stay on January 20, 2012, noting that appellant had only appealed the December 2010 judgment and that we lacked jurisdiction to consider the post-judgment fees and costs orders in the context of that appeal. Duke v. Simon, Docket No. 57570 (Order Denying Motion For Stay, January 20, 2012). The stay motion in that appeal did not toll the time to file a notice of appeal. See NRAP 4(a)(4) (listing motions, that if timely filed in the district court action, toll the time for filing a notice of appeal).

this appeal. See Healy v. Volkswagenwerk, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987). Accordingly, we

ORDER this appeal DISMISSED.²


_____, J.
Gibbons


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. James M. Bixler, District Judge
Anya S. Duke
Alverson Taylor Mortensen & Sanders
Eighth District Court Clerk

²In light of this order, we deny all outstanding motions and other requests for relief as moot.