

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN MARK FENTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60370

FILED

MAY 09 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malow*
DEPUTY CLERK

ORDER DISMISSING APPEAL

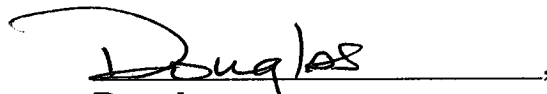
This is an appeal from a district court order denying a motion to reconsider an order finding no jurisdiction. Fourth Judicial District Court, Elko County; Charles M. McGee, Judge. Because it appeared that no statute or court rule provided for an appeal from such an order, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. See Phelps v. State, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995); Castillo v. State, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). In response, appellant points out that the district court denied his motion to vacate conviction/correct an illegal sentence on jurisdictional grounds not raised by the parties and to which he did not have an opportunity to respond. He asserts that the motion to reconsider was “the functional equivalent of a brief in support of jurisdiction” that merges with the underlying motion to vacate conviction/correct an illegal sentence. Appellant also argues that the unique procedural history of this case and judicial economy necessitated filing a motion to reconsider before filing a notice of appeal. We disagree.

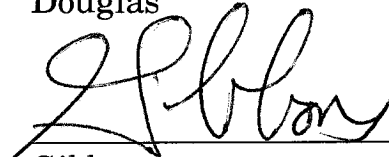
An order denying a motion for reconsideration is not appealable, see Phelps, 111 Nev. at 1022, 900 P.2d at 345, and no statute or court rule provides for an appeal from an order denying a motion to

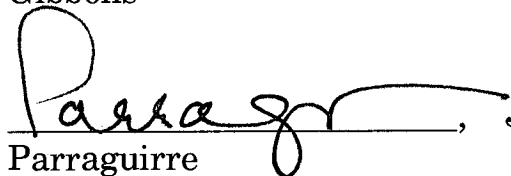
reconsider an order finding no jurisdiction, see Castillo, 106 Nev. at 352, 792 P.2d at 1135. Appellant's attempt to distinguish this case from Phelps and Castillo lacks merit. And neither unique procedural posture, nor considerations of judicial economy provide jurisdiction over otherwise unappealable orders. See Castillo, 106 Nev. at 352-53, 792 P.2d at 1135.

To the extent appellant contends that he appeals from the district court order denying his motion to vacate conviction/correct an illegal sentence, the notice of appeal was not timely filed from the entry of that order. See NRAP 4(b)(1)(A). Accordingly, we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Chief Judge, The Fourth Judicial District Court
Hon. Charles M. McGee, Senior Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk
John Mark Fenton