

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN J. LEE, AN INDIVIDUAL,  
Appellant,  
vs.  
NEVADA STATE BANK, A NEVADA  
CORPORATION,  
Respondent.

No. 62600

FILED

JAN 21 2014

FRANIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Fransiska  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

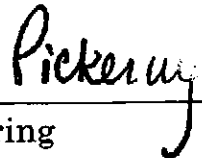
This is an appeal from a district court judgment in a deficiency action. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

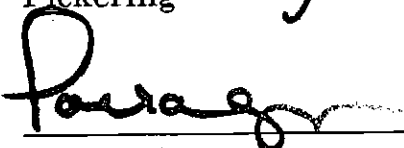
When our preliminary review of the docketing statement and the NRAP 3(g) documents revealed a potential jurisdictional defect, we ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, our order pointed out that the February 7, 2013, notice of appeal was untimely because it was filed more than 33 days after written notice of the judgment's entry was served by mail on October 3, 2012. See NRAP 4(a)(1); NRAP 26(c). The show cause order also explained that, while appellant filed a motion to alter or amend the judgment on October 24, 2012, that motion was not filed within the deadline for doing so under NRCP 59(e), and thus, did not toll the time to appeal. See NRAP 4(a)(4); *Winston Prods. Co. v. DeBoer*, 122 Nev. 517, 134 P.3d 726 (2006).


In his timely response to the show cause order, appellant asserts that, because the district court disregarded the timeliness issue in ruling on the merits of the motion to alter or amend, he believed that the

district court retained jurisdiction, such that filing a notice of appeal before the motion was resolved would be premature. Appellant argues that his appeal should not be dismissed for this "technical defect" of filing the motion two-days late. But as respondent alludes to in his reply, "the proper and timely filing of a notice of appeal is jurisdictional," *Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987), and this court has no authority to consider an untimely appeal. *Id.* Moreover, no extensions of time to file NRCP 59(e) motions are allowed. NRCP 6(b); NRCP 59(e). Accordingly, as we lack jurisdiction over this untimely appeal, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Pickering

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

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

cc: Hon. Gloria Sturman, District Judge  
Robert F. Saint-Aubin, Settlement Judge  
Olson, Cannon, Gormley, Angulo & Stoberski  
Moran Law Firm, LLC  
Eighth District Court Clerk