

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY L. HARRIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64137

FILED

OCT 23 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order dismissing a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

The notice of appeal was untimely filed. NRAP4(b). Because an untimely notice of appeal fails to vest jurisdiction in this court, *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), we conclude that we lack jurisdiction to consider this appeal. To the extent that appellant is attempting to appeal from the order denying his motion for reconsideration, a motion for reconsideration is not a tolling motion and an order denying a motion for reconsideration is not appealable, *see Phelps v. State*, 111 Nev. 1021, 1022-23, 900 P.2d 344, 344-45 (1995); *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Therefore, we

ORDER this appeal DISMISSED.

J. Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

cc: Hon. Valorie J. Vega, District Judge
Gregory L. Harris
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk