

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL FLORES,  
Appellant,  
vs.  
SAM HARDING,  
Respondent.

No. 64276

**FILED**

JAN 20 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

*ORDER DISMISSING APPEAL*

BY S. Young  
DEPUTY CLERK

This is a pro se appeal from a district court order granting a motion to dismiss in a legal malpractice action. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

Notice of entry of the district court's September 6, 2013, order dismissing appellant's complaint was served on appellant by respondent's counsel via United States mail on September 9, 2013. Because service of the notice of entry was by mail, appellant had 33 days from the date of service to file his notice of appeal. See NRAP 4(a)(1); NRAP 26(c). Appellant's notice of appeal was therefore due to be filed in the district court on or before October 14, 2013. Appellant filed his notice of appeal on October 21, 2013, after the 33-day period for filing the notice of appeal had run.<sup>1</sup> Because appellant's notice of appeal was untimely filed, we lack jurisdiction to consider this appeal. See *Healy v. Volkswagenwerk*

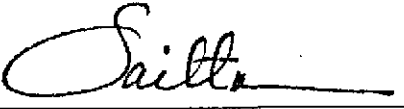
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<sup>1</sup>Although appellant filed several motions after the date the notice of entry of the district court's order dismissing his complaint was served, none of those motions sought a substantive alteration of the judgment, and the time for appellant to file his notice of appeal was therefore not tolled by those motions. See NRCP 59; *AA Primo Builders, LLC v. Washington*, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 1190, 1195 (2010).


*Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in this court).

Accordingly, we

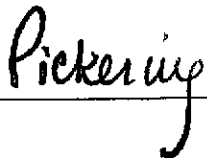
ORDER this appeal DISMISSED.

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

Saitta

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

Gibbons

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

Pickering

cc: Hon. David B. Barker, District Judge  
Daniel Flores  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas  
Eighth District Court Clerk