

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRYSTAL DONLEY,  
Appellant,  
vs.  
KEVIN A. MILES, D.O.; KEVIN MILES,  
D.O., LTD., A NEVADA CORPORATION  
D/B/A ASPEN SPINE AND PAIN  
CENTER,  
Respondents.

No. 64290

FILED

JAN 22 2014

TRAVIS K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a proper person appeal from a district court summary judgment in a medical malpractice action. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

Respondents have filed a motion to dismiss this appeal, arguing that appellant's notice of appeal was untimely and that this court therefore lacks jurisdiction to consider this appeal. Appellant has filed an opposition to the motion.

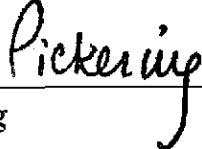
The notice of entry of the district court's order granting summary judgment was served by mail on appellant's counsel on August 29, 2013. The deadline for appellant to file her notice of appeal was therefore October 1, 2013. NRAP 4(a)(1) (requiring that a notice of appeal must be filed "no later than 30 days after the date that written notice of entry of the judgment or order appealed from is served"); NRAP 26(c) (adding three calendar days to a prescribed time period when the notice of entry is served by mail). The notice of appeal was not filed in the district court until October 21, 2013, however.

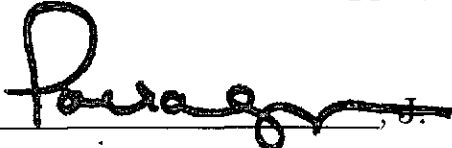
Appellant argues in her opposition that she filed her notice of appeal on October 14, 2013, when she filed her motion to proceed in forma

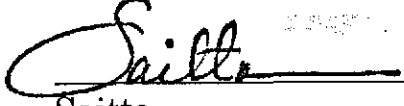
pauperis. Although appellant provides no evidence in support of this contention, the argument nonetheless lacks merit because the notice of appeal would be untimely even if it was filed on that date.

Having considered the motion to dismiss and appellant's opposition, we conclude that appellant's notice of appeal was untimely and that this court lacks jurisdiction to consider this appeal. NRAP 4(a); *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 330, 741 P.2d 432 (1987). Accordingly, we grant respondents' motion and we

ORDER this appeal DISMISSED.<sup>1</sup>

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

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

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

cc: Hon. Jerome Polaha, District Judge  
Crystal Donley  
Lemons, Grundy & Eisenberg  
Washoe District Court Clerk

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<sup>1</sup>We have considered appellant's other arguments and conclude that they do not demonstrate this court's jurisdiction.