

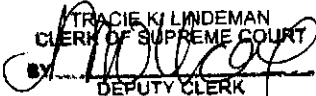
IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANE AXELROD,
Appellant,
vs.
CARRIE ANN PERRIN,
Respondent.

No. 69613

FILED

JUN 03 2016

TRACIE KI LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion to modify child custody entered after resolution of an untimely motion for reconsideration. Appellant has filed a motion to dismiss the appeal on the ground that this court lacks jurisdiction. No opposition has been filed. Having considered respondent's motion, we grant it. Although the district court resolved the motion for reconsideration on the merits, an untimely motion for reconsideration does not toll the time to appeal. See NRAP 4(a)(6); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010); *Morrell v. Edwards*, 98 Nev. 91, 93, 640 P.2d 1322, 1324 (1982). Accordingly, appellant's notice of appeal from the order entered August 24, 2015, was due September 23, 2015. Appellant did not file a notice of appeal until January 14, 2016, after the resolution of the motion for reconsideration on January 6, 2016. An order denying a motion for reconsideration is not an appealable order. *Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P.2d 980 (1983), *disapproved of on other grounds by AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 245 P.3d 1190

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(2010). We conclude, therefore, that we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.¹

J. Hardesty, J.
Hardesty

J. Saitta, J.
Saitta

J. Pickering, J.
Pickering

cc: Hon. Vincent Ochoa, District Judge
Shane Axelrod
Carrie Ann Perrin
Eighth District Court Clerk

¹Appellant's motion filed April 15, 2016, is denied as moot.