

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID SNYDER,

Appellant,

vs.

TERRY SCOBEE,

Respondent.

No. 36547

**FILED**

OCT 12 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a final judgment upon a jury verdict. The judgment was entered on April 14, 2000, and notice of entry of the judgment was served by mail on April 20, 2000. Appellant filed a timely motion for judgment notwithstanding the verdict, or in the alternative for new trial, on April 25, 2000, thus tolling the time in which to file a notice of appeal. See NRAP 4(a)(2). An order denying appellant's post-trial motion was entered on June 19, 2000. Notice of entry of this order was served by mail on June 22, 2000. The notice of appeal was filed on July 31, 2000. On September 27, 2000, respondent filed a motion to dismiss this appeal on the basis that the notice of appeal was untimely, and thus failed to vest jurisdiction in this court. Appellant has not submitted an opposition to the motion.

To vest jurisdiction in this court, a notice of appeal must be timely. See NRAP 4(a)(1); *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987). Pursuant to NRAP 4(a)(2), a notice of appeal must be filed within thirty (30) days of service of written notice of entry of an order resolving a tolling motion. In this case, the time in which a notice of appeal could have been filed, after adding three days for mailing, see NRAP 26(c), expired on July 25,

2000. Thus, the notice of appeal was untimely, and does not vest jurisdiction in this court.

Accordingly, as we lack jurisdiction, we grant respondent's motion and

ORDER this appeal dismissed.

Maupin, J.  
Maupin

Leavitt, J.  
Leavitt

Becker, J.  
Becker

cc: Hon. John P. Davis, District Judge  
Haefner & Enzenberger  
David Snyder  
Nye County Clerk