

IN THE SUPREME COURT OF THE STATE OF NEVADA

AUSTIN L. SANDS,

Appellant,

vs.

ELLEN SANDS, N/K/A ELLEN G. PACK,

Respondent.

No. 36961

FILED

DEC 12 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a final divorce decree. Our review of the documents transmitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect. Specifically, the notice of appeal is untimely.¹


The final decree was entered on June 21, 2000, and notice of entry of the decree was served by mail on June 28, 2000. The notice of appeal was therefore due no later than July 31, 2000. See NRAP 4(a)(1) (providing that a notice of appeal must be filed within thirty days of service of notice of entry of the order appealed from); NRAP 26(c) and NRCP 6(e) (providing for an additional three days where service is by

¹Appellant failed to pay the filing fee required by NRS 2.250, but submitted a motion for leave to proceed in forma pauperis. The motion is denied as moot in light of this order. Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant.

mail). Appellant filed his notice of appeal on October 26, 2000, several months after the deadline had passed.

An untimely notice of appeal cannot vest jurisdiction in this court. See Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987). Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.


_____, C.J.
Rose


_____, J.
Young


_____, J.
Becker

cc: Hon. Gerald W. Hardcastle, District Judge,
Family Court Division
Gary E. Gowen
Austin L. Sands
Clark County Clerk