

IN THE SUPREME COURT OF THE STATE OF NEVADA

VAL JEROME EALEY,

No. 37385

Appellant,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

FILED

APR 12 2001

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

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying rehearing of an order denying appellant's motion for relief from a default judgment. Our review of the documents transmitted pursuant to NRAP 3(e) reveals a jurisdictional defect.


The right to appeal is statutory; if no statute or court rule provides for an appeal, no right to appeal exists.¹ An order denying rehearing is not appealable.² Additionally, to the extent that appellant seeks to appeal from the order denying his motion for relief from default judgment, the

¹Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

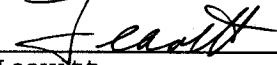
²Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

notice of appeal is untimely.³ Accordingly, as we lack jurisdiction over this appeal, we

ORDER this appeal DISMISSED.⁴



Young J.



Leavitt J.



Becker J.

cc: Hon. Valorie Vega, District Judge
Attorney General
Clark County District Attorney
Val Jerome Ealey
Clark County Clerk

³See 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 to be appealed); see also *Alvig*, 99 Nev. at 186, 660 P.2d at 981 (holding that a motion for rehearing does not toll the time in which to file a notice of appeal); *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987) (noting that the timely filing of a notice of appeal is jurisdictional).

⁴We note that appellant failed to pay the filing fee required by NRS 2.250, and so on February 2, 2001, we notified appellant to pay the fee within ten (10) days. Appellant responded with a letter in which he claimed that he had been proceeding in forma pauperis since the beginning of this case. The district court docket entries reflect that appellant filed an application for leave to proceed in forma pauperis with the district court on September 12, 2000; however, it appears that the district court never ruled on the application. We conclude that the application is 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.