

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERYL FEALY,
Appellant,
vs.
SUSAN L. JOHNSON,
Respondent.

No. 37518

FILED

AUG 22 2002

ORDER DISMISSING APPEAL

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

This is a proper person appeal from a February 26, 2001 order of the district court denying a motion for reconsideration. Our review of the record in this appeal reveals a jurisdictional defect.

On January 11, 2001, the district court entered a written order granting respondent's motion for summary judgment.¹ On the same day, respondent served, by mail, written notice of the order's entry. Later, on January 16, 2001, appellant filed a motion for reconsideration. This motion was denied by a written order entered on February 26, 2001, and on February 27, 2001, appellant filed her notice of appeal from the February 26 order.

An order denying a motion for reconsideration is not substantively appealable as a special order after final judgment.² Additionally, even if we were to construe appellant's appeal as from the

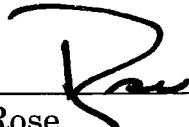
¹In the district court, both respondent, Susan Johnson, and Rio Properties, Inc., were named as defendants, and summary judgment was granted as to both of them. Only Susan Johnson was named as a respondent in appellant's case appeal statement.

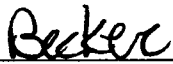
²Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983); see NRAP 3A(b)(2).

January 11, 2001 order granting summary judgment,³ appellant's notice of appeal was untimely. Under NRAP 4(a), a notice of appeal must be filed no later than thirty days after written notice of an order's entry is served. NRAP 26(c) adds three days to this period if service is by mail, but appellant's February 27, 2001 notice of appeal was outside of this time frame. Additionally, a motion for reconsideration does not toll the time for filing a notice of appeal.⁴ Accordingly, as we lack jurisdiction to consider this appeal, we dismiss it.⁵

It is so ORDERED.


Shearing J.


Rose J.


Becker J.

³See, e.g., Forman v. Eagle Thrifty Drugs & Markets, 89 Nev. 533, 516 P.2d 1234 (1973).

⁴Alvis, 99 Nev. at 186, 660 P.2d at 981.

⁵Although appellant was not granted leave to proceed in proper person, see NRAP 46(b), we have received and considered her proper person documents. We deny as moot respondent's motion to dismiss this appeal.

cc: Hon. Nancy M. Saitta, District Judge
Cheryl Fealy
Ricciardi Law Group
Clark County Clerk