

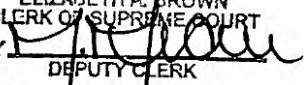
IN THE SUPREME COURT OF THE STATE OF NEVADA

CARLOS ROCHA,  
Appellant,  
vs.  
JORDANN D. ROCHA-MORRIS,  
Respondent.

No. 87886

FILED

FEB 09 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court decree of divorce and a post-decree order denying a motion for reconsideration. Eighth Judicial District Court, Clark County; Gregory G. Gordon, Judge.

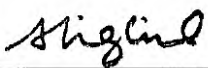
Review of the notice of appeal and documents before this court reveals jurisdictional defects. First, the notice of appeal was untimely filed from the decree of divorce. The decree was entered on September 27, 2023, and notice of entry of the order was served on appellant, via mail, on September 29, 2023. However, the notice of appeal was not filed in the district court until January 5, 2024, well after expiration of the 30-day appeal period. *See* NRAP 4(a)(1).

We recognize that the order denying motion for reconsideration states that under EDCR 5.516, appellant timely filed a motion to reconsider the decree on November 13, 2023. A timely-filed motion for reconsideration ordinarily tolls the time to file the notice of appeal. *See* NRAP 4(a)(4) (regarding tolling motions); *AA Primo Builders LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a post-judgment motion for reconsideration is treated as a motion to alter or amend with tolling effect). However, appellant's motion for reconsideration was filed in the district court on November 13, 2023, more than 28 days after service of

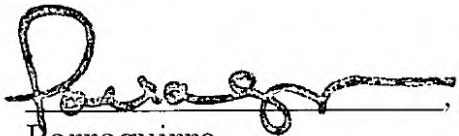
notice of entry of the decree. Therefore, the motion was not timely filed under NRCP 59(e) and did not toll the time to file the notice of appeal. See NRCP 59(e) (“A motion to alter or amend a judgment must be filed no later than 28 days after service of written notice of entry of judgment.”); NRAP 4(a)(4) (explaining that the time to file the notice of appeal is tolled if appellant *timely* files a motion to alter or amend the judgment).

Second, the order denying the motion for reconsideration is not substantively appealable. See *AA Primo*, 126 Nev. at 580, 245 P.3d at 1197 (recognizing that an order denying a motion to alter or amend is not appealable as a special order after final judgment but may be reviewed on appeal from the underlying final judgment). And although the order could have been reviewed in the context of an appeal from the final judgment—the decree of divorce—as discussed above, the notice of appeal was not timely filed from the divorce decree. Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Gregory G. Gordon, District Judge, Family Division  
Carlos Rocha  
Jordann D. Rocha-Morris  
Eighth District Court Clerk