

IN THE SUPREME COURT OF THE STATE OF NEVADA

EUGENE JOSEPH KOZIOL, AN
INDIVIDUAL,
Appellant,

vs.

U.S. BANK; EXECUTIVES FOR U.S.
BANK; JERRY A. GRUNDHOFER;
JOHN R. GRUNDHOFER; RICHARD K.
DAVIS; ANDREW CECERE; WILLIAM
WILLIAMSON; AND MANAGER U.S.
BANK; KEN WRIGHT,
Respondents.

No. 40021

FILED

JUN 23 2004

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Riand*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint. Second Judicial District Court, Washoe County; Peter I. Breen, Judge.

On December 30, 2002, respondents moved to dismiss this appeal. Our review of the motion, response,¹ and the documents transmitted under NRAP 3(e) reveals that we have jurisdiction over this appeal. The district court's order dismissing the underlying action was entered and served by mail on April 19, 2002. Within ten days, on April 29, 2002, appellant brought a "motion for amendment of order by complete reversal," which we consider to be a motion to alter or amend the judgment and thus it tolled the time for filing of an appeal.² The district


¹Although appellant was not granted leave to proceed in proper person, see NRAP 46(b), we have received and considered appellant's documents and respondent's responses thereto.


²NRAP 4(a)(2).


court entered its order denying the motion on July 2, 2002. Notice of entry of order was served by mail on July 9, 2002. Appellant timely filed his notice of appeal within thirty days on July 31, 2002.³ Accordingly, the motion to dismiss is denied.⁴

Having reviewed the record, we conclude that the district court did not err in ordering dismissal of appellant's complaint.⁵ Accordingly, we affirm the district court's order.

IT IS SO ORDERED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Peter I. Breen, District Judge
Eugene Joseph Koziol
Hale Lane Peek Dennison & Howard/Reno
Washoe District Court Clerk

³NRAP 4(a).

⁴In light of this order, we deny as moot respondent's alternative request for leave to file an answering brief.

⁵See 26 U.S.C. §6332 (2000).