

IN THE SUPREME COURT OF THE STATE OF NEVADA

COLLEEN LLOYD,  
Appellant,  
vs.  
JUSTIN HERMAN AND DEBBIE  
HERMAN,  
Respondents.

No. 40749

FILED

MAR 17 2003

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order that denied appellant's motion for reconsideration. On October 1, 2002, the district court entered an order dismissing appellant's complaint with prejudice. Notice of the dismissal order's entry was served by mail on October 3, 2002. Thereafter, appellant filed a motion for reconsideration, which was denied on November 19, 2002. Notice of that order's entry was served by mail on November 22, 2002. Appellant filed her notice of appeal on December 30, 2002.


An order denying reconsideration is not substantively appealable.<sup>1</sup> And, appellant's notice of appeal is untimely from the district court's November 19, 2002 order denying reconsideration in any event. Under NRAP 4(a)(1), a notice of appeal must be filed no later than thirty days after written notice of the order or judgment's entry has been served. NRAP 26 provides three additional days if notice is served by mail. Here, appellant did not file her notice of appeal until December 30, 2002, more than thirty-three days after notice of the order's entry was served.


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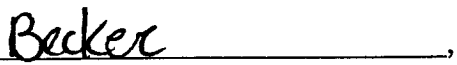
<sup>1</sup>Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983).

Further, even if we construe appellant's notice of appeal as from the October 1, 2002 order dismissing her complaint, the final judgment in this case, her notice of appeal was untimely as well.<sup>2</sup> Notice of the October 1, 2002 dismissal order's entry was served by mail on October 4, 2002. Appellant's notice of appeal was filed more than two months after this date, well beyond the thirty-day window. Additionally, appellant's motion for reconsideration did not toll the time for filing a notice of appeal.<sup>3</sup> As appellant failed to file a timely notice of appeal, we lack jurisdiction to consider the appeal. We therefore

ORDER this appeal DISMISSED.

  
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Shearing J.

  
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Leavitt J.

  
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Becker J.

cc: Hon. Lee A. Gates, District Judge  
Colleen Lloyd  
Gugino Law Firm  
Clark County Clerk

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<sup>2</sup>See, e.g., Forman v. Eagle Thrifty Drugs & Markets, 89 Nev. 533, 516 P.2d 1234 (1973), overruled in part on other grounds by Garvin v. Dist. Ct., 118 Nev. \_\_\_, 59 P.3d 1180 (2002).

<sup>3</sup>Alvis, 99 Nev. at 186, 660 P.2d at 981.