

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS J. SLEEPER,
Appellant,
vs.
WENDY K. SLEEPER,
Respondent.

No. 40836

FILED

MAR 17 2003

JANET M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rihard*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This proper person appeal is taken from a November 7, 2002 district court order that, among other things, held each party in contempt, sanctioned each party \$1,000 and awarded the parties' business to respondent. Notice of this order's entry was served by mail on November 19, 2002. Subsequently, on December 5, 2002, the district court entered a decree of divorce. Notice of the decree's entry was served on the same day.¹ It appears that appellant then submitted several motions to submit evidence and for reconsideration, which were stricken. On January 27, 2003, appellant filed his notice of appeal.

The district court's November 7, 2002 order is not independently appealable, as it is not authorized by court rule or statute.² Additionally, appellant's notice of appeal is untimely with respect to the November 7, 2002 order. Under NRAP 4(a), a notice of appeal must be


¹Although the certificate of service states that the notice was personally served on appellant, the address listed for appellant is a post office box.

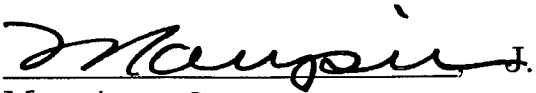
²See, e.g., Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984) (concluding that appeal could not proceed in absence of statutory authority); NRAP 3A(b)(providing for an appeal from a final judgment and certain interlocutory and post-judgment orders); Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000) (concluding that no appeal lies from a contempt order).

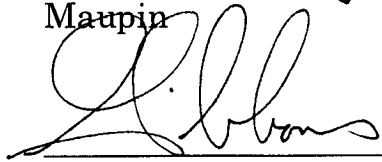
filed within thirty days of the date that notice of the order's entry is served. Three additional days are provided if service is by mail. Appellant's notice of appeal was filed well outside this time period. Also, appellant's motion for reconsideration did not toll the time within which to file an appeal.³

Further, although we could construe appellant's notice of appeal as being from the divorce decree (the district court's final judgment),⁴ the notice of appeal is untimely with respect to the December 5, 2002 decree as well.⁵ Consequently, as we lack jurisdiction, we

ORDER this appeal DISMISSED.⁶


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

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

⁴See, e.g., Forman v. Eagle Thrifty Drugs and 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).

⁵See NRAP 4(a)(1).

⁶Although appellant was not granted leave to proceed in proper person under NRAP 46, we have received and considered his documents. We deny as moot his request for remand to the district court.

cc: Hon. Deborah Schumacher, District Judge, Family Court Division
Dennis Jerome Sleeper
E. Sue Saunders
Washoe District Court Clerk