

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARRIS D. PILAFAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40939

FILED

OCT 20 2003

ORDER DISMISSING APPEAL

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


This is an appeal from a district court order denying appellant Harris D. Pilafas's supplemental post-conviction petition for a writ of habeas corpus. Our review of this appeal reveals a jurisdictional defect.

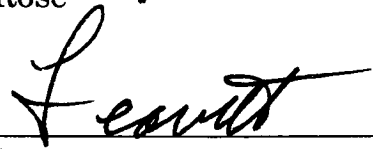
In November of 2001, Pilafas filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition. The district court declined to appoint counsel to represent Pilafas or to conduct an evidentiary hearing. On March 21, 2002, the district court denied the petition, ruling that it was procedurally barred because it was filed twenty-two months after the entry of the original judgment of conviction. Pilafas's appeal from the order denying his petition is currently pending in this court in Docket No. 39533, and Pilafas is represented by counsel in that appeal.


On December 5, 2002, Pilafas, with the assistance of counsel, filed a document entitled, "supplemental petition for a writ of habeas corpus" in the district court. The State opposed the supplemental petition. On December 31, 2002, the district court denied the supplemental petition, ruling that it was essentially a petition for rehearing or reconsideration and, as such, it was untimely. Pilafas filed this timely appeal.

In the supplemental petition, Pilafas argued that the district court erred in ruling that his habeas petition was procedurally barred. Because Pilafas's supplemental petition sought reconsideration of the district court's denial of his habeas petition, it was essentially a motion for reconsideration. Likewise, the district court's order denying the supplemental petition was essentially an order denying a motion for reconsideration. An order denying a motion for reconsideration is not appealable.<sup>1</sup> Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Maupin

cc: Hon. John S. McGroarty, District Judge  
William J. Taylor  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>1</sup>Phelps v. State, 111 Nev. 1021, 900 P.2d 344 (1995).