

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL JOHN FERRELL,
Appellant,
vs.
SANDRA ANN FERRELL,
Respondent.

No. 41406

FILED

JUN 19 2003

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *B. Castillo*
DEPUTY CLERK

ORDER DISMISSING APPEAL

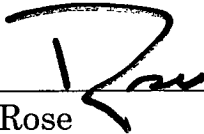
This proper person appeal is taken from a February 18, 2003 district court order dismissing appellant's divorce complaint. Notice of the order's entry was served on February 20, 2003, and appellant filed his notice of appeal on May 7, 2003. Under NRAP 4(a)(1), a notice of appeal must be filed no later than thirty days after written notice of the court's order is served. NRAP 26(c) adds three days to this period if notice of entry is served by mail. Thus, appellant's notice of appeal is untimely. In his notice of appeal, appellant states that he was never notified of the order's entry and did not discover the order's existence until April 5, 2003. Respondent has submitted a motion to dismiss this appeal for lack of jurisdiction.¹


We note that the certificate of service that accompanies respondent's notice of the dismissal order's entry appears properly completed and lists the same address for appellant as is listed on his notice of appeal. Under NRCP 5(b), service by mail is complete upon mailing. As it appears that respondent properly served appellant by mail with notice of the dismissal order's entry, and because appellant's notice of


¹We direct the clerk of this court to file the motion, which was received on June 2, 2003.

appeal was filed more than thirty-three days later, his notice of appeal is untimely and fails to vest jurisdiction in this court. We therefore

ORDER this appeal DISMISSED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Steven R. Kosach, District Judge
Michael John Ferrell
Sandra Ann Ferrell
Washoe District Court Clerk