

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES WRIGHT,  
Appellant,  
vs.  
FRAN LACOGNATA,  
Respondent.

No. 42173

**FILED**

OCT 28 2003

ORDER DISMISSING APPEAL

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

This proper person appeal challenges a September 2, 2003 district court order that entered a default judgment, as well as an October 9, 2003 order that denied reconsideration. Our review of the documents transmitted under NRAP 3(e) reveals a jurisdiction defect: the notice of appeal was filed too late.

NRAP 4(a)(1) requires that a notice of appeal be filed no more than thirty days after written notice of an order's entry is served. Three additional days are given if service is accomplished by mail.<sup>1</sup> A motion for reconsideration does not extend the time for filing a notice of appeal.<sup>2</sup> In this case, the court's written order was entered on September 2, 2003, and notice of the order's entry was served by mail on September 3, 2003. Although appellant filed a motion for reconsideration, that motion did not toll the time for filing an appeal. Consequently, the notice of appeal had to be filed no later than October 6, 2003. Appellant's notice of appeal was filed after this deadline, on October 10, 2003.


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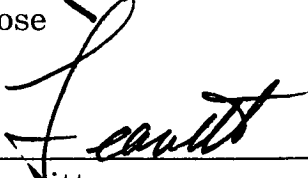
<sup>1</sup>NRAP 26(c).


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

Additionally, although appellant also seeks to appeal from the district court's order denying reconsideration, this order is not appealable, as it did not change the September 2, 2003 order in any way.<sup>3</sup> As we lack jurisdiction to consider this appeal, we dismiss it.

It is so ORDERED.

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

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

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

cc: Hon. Valerie Adair, District Judge  
James Wright  
Koch & Brim, LLP  
Clark County Clerk

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<sup>3</sup>Id.