

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK NEIBER,  
Appellant,  
vs.  
PATRICIA WELDON,  
Respondent.

No. 54896

**FILED**

JUN 10 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from the district court's post-judgment costs award in a corporations matter. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Following the final judgment in the underlying case, respondent Patricia Weldon filed a memorandum of costs, which proper person appellant Mark Neiber opposed. On August 5, 2009, the district court entered an order granting Weldon's motion to certify costs in the amount of \$10,515.94, and notice of entry of that order was served by mail on August 6. On August 16, 2009, Neiber filed a motion to retax the costs, which the district court denied October 12, 2009. Neiber subsequently filed a notice of appeal challenging both orders on November 4, 2009.

As an initial matter, with regard to the October 12 order, Neiber's motion to retax costs merely reargued points made in his opposition to the motion to certify costs and this was, in fact, a motion for reconsideration of the August 5 costs order. An order denying reconsideration, however, is not an appealable order, Alvis v. State, Gaming Control Bd., 99 Nev. 184, 660 P.2d 980 (1983), and thus, this court lacks jurisdiction to consider Neiber's appeal from that order.

Turning to Neiber's appeal from the district court's August 5 costs order, this court also lacks jurisdiction to consider his appeal from that order. Neiber's motion to retax costs did not toll the time for appealing from the August 5 order. See NRAP 4(a)(4) (setting forth the motions that toll the time for filing an appeal, which does not include either a motion to retax costs or a motion for reconsideration). As a result, Neiber's November 4 notice of appeal was untimely filed, long after the time for appealing that order had expired. NRAP 4(a)(1); NRAP 26(a). Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Mark R. Denton, District Judge  
Mark Neiber  
Bremer Whyte Brown & O'Meara, LLP  
Eighth District Court Clerk

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<sup>1</sup>Because Weldon is represented by counsel, we direct the clerk of this court to return, unfiled, her proper person document, which was provisionally received on April 5, 2010.