

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT T. BARFIELD,
Appellant,
vs.
JOHN L. MAESTAS,
Respondent.

No. 36463

FILED

JUL 27 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order denying reconsideration of an order dismissing appellant's complaint. Our review of the documents submitted to this court pursuant to NRAP 3(e) reveals a jurisdictional defect.

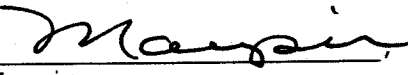
First, an order denying reconsideration is not an appealable order. See *Alvis v. State, Gaming Control Bd.*, 99 Nev. 184, 660 P.2d 980 (1983). In addition, even if we construed the notice of appeal as an appeal from the order dismissing appellant's complaint, see *Forman v. Eagle Thrifty Drugs & Markets*, 89 Nev. 533, 516 P.2d 1234 (1973), the notice of appeal is untimely. The order dismissing appellant's complaint was entered on November 5, 1999, and notice of entry of the order was served on November 19, 1999. The notice of appeal was filed on June 29, 2000, more than thirty days from service of notice of entry of the order appealed from. See NRAP 4(a)(1). While a timely motion for reconsideration was filed, a motion for reconsideration does not toll the time in which to file a notice of appeal. See NRAP 4(a)(2); *Alvis*, 99 Nev. at 186, 660 P.2d at 981. An untimely notice of appeal

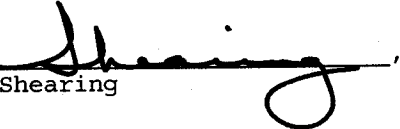
fails to vest jurisdiction in this court. See Rust v. Clark
Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

Accordingly, as we lack jurisdiction, we

ORDER this appeal dismissed.


_____, C.J.
Rose


_____, J.
Maupin


_____, J.
Shearing

cc: Hon. Merlyn H. Hoyt, District Judge
Attorney General
Robert T. Barfield
White Pine County Clerk