

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS ALAN CARR,  
Appellant,  
vs.  
MICHELLE LEANDRA CARR,  
Respondent.

No. 76875

**FILED**

FEB 27 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a post-divorce decree district court order concerning child custody.<sup>1</sup> Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Notice of entry of the district court's July 10, 2018, order denying appellant's motion to modify custody was served on appellant via United States mail on July 10, 2018. As a result, appellant was required to file his notice of appeal no later than August 13, 2018.<sup>2</sup> See NRAP 4(a)(1);

---


<sup>1</sup>Pursuant to NRAP 34(f)(3), we have determined that oral argument is not warranted in this appeal.

<sup>2</sup>Although appellant filed a pro se motion in district court for a hearing on July 16, 2018, that motion did not toll his time for filing the notice of appeal. See NRAP 4(a)(4) (setting forth the post-judgment motions that toll the time for filing an appeal); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1995 (2010) (explaining that a post-judgment motion for reconsideration will only be given tolling effect if, among other things, it "request[s] a substantive alteration of the judgment" and "states its grounds with particularity" (alteration in original, internal quotation marks omitted)). We recognize appellant's reply in support of his motion for a hearing sought reconsideration of the order concerning child custody, but the reply was not filed within the time to seek reconsideration.

NRAP 26(a), (c). Appellant filed his notice of appeal on August 31, 2018. Because appellant's notice of appeal was therefore untimely filed, we lack jurisdiction to consider his appeal. See *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (noting that an untimely notice of appeal fails to vest jurisdiction in an appellate court). Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cadish

cc: Hon. Leon Aberasturi, District Judge  
Thomas Alan Carr  
Blanchard, Krasner & French  
Third District Court Clerk