

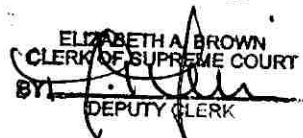
IN THE SUPREME COURT OF THE STATE OF NEVADA

DONALD DOUGLAS EBY,
Appellant,
vs.
CHRISTY THOMPSON,
Respondent.

No. 86235

FILED

MAR 31 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a series of district court orders. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

Review of the documents submitted to this court pursuant to NRAP 3(g) reveals jurisdictional defects with respect to each of the challenged orders.

The challenged order denying appellant's motion for sanctions is untimely from the written notice of entry of the order. Written notice of entry of the order was served on appellant on June 3, 2021. The notice of appeal, filed on March 2, 2023, was filed more than 30 days after service of written notice of entry of the judgment or order. *See* NRAP 4(a)(1); NRAP 26(c); *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 the appellate courts).

The challenged order denying appellant's NRCP 60(b) motion to vacate the original judgment of dismissal was entered April 8, 2022, and written notice of entry was served on appellant on April 12, 2022. The notice of appeal is untimely. It was filed more than 30 days after service of written notice of entry of the judgment or order. See NRAP 4(a)(1); NRAP 26(c); *Volkswagenwerk*, 103 Nev. at 331, 741 P.2d at 433.

The order denying appellant's motion to alter or amend was entered on June 13, 2022, with written notice of entry filed and served on June 16, 2022. No appeal lies from an order denying a motion to alter to amend. See *Uniroyal Goodrich Tire Co. v. Mercer*, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995), *superseded on other grounds by statute as stated in RTTC Commc'ns, LLC v. Saratoga Flier, Inc.* In addition, the notice of appeal was filed more than 30 days after service of written notice of entry of the judgment or order. See NRAP 4(a)(1); NRAP 26(c); *Volkswagenwerk*, 103 Nev. at 331, 741 P.2d at 433.

An order denying a motion to withdraw appeals or to vacate prior district court orders was entered on September 29, 2022. Written notice of entry was filed and served on appellant on October 5, 2022. The notice of appeal is untimely as to that order. It was filed more than 30 days after service of written notice of entry of the judgment or order. See NRAP 4(a)(1); NRAP 26(c); *Volkswagenwerk*, 103 Nev. at 331, 741 P.2d at 433..

Finally, the order entered February 8, 2023, denying appellant's motions for medical records, for reconsideration of the motion to alter or amend, and for a stay pending appellant's proposed malpractice claims against his former counsel is not substantively appealable. This court has jurisdiction to consider an appeal only when the appeal is

authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984).

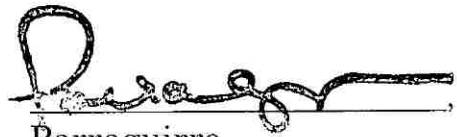
This court lacks jurisdiction and
ORDERS this appeal DISMISSED.



_____, J.
Herndon



_____, J.
Lee



_____, J.
Parraguirre

cc: Hon. Nathan Tod Young, District Judge
Donald Douglas Eby
Day R. Williams, Attorney at Law
Douglas County Clerk