

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK SPALENKA,
Appellant,
vs.
HEIDI JEAN SPALENKA,
Respondent.

No. 42276

FILED

DEC 30 2003

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

ORDER DISMISSING APPEAL


This proper person appeal is taken from a September 17, 2003 district court order limiting the appellant to continued supervised visitation with his child. Respondent has moved to dismiss this appeal for lack of jurisdiction. Our review of the motion and opposition,¹ as well as the documents transmitted under NRAP 3(e) reveals that we lack jurisdiction to consider this appeal.

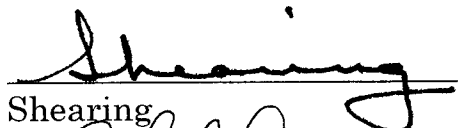
NRAP 4(a)(1) requires that a notice of appeal be filed no more than thirty days after written notice of an order's entry is served. If service is accomplished by mail, then NRAP 26(c) adds three days to the thirty-day period. In this case, notice of the court's September 17, 2003 order was served by mail on September 19, 2003, but appellant's notice of


¹Although appellant was not granted leave to proceed in proper person, see NRAP 46(b), we have received and considered his documents.

appeal was not filed until October 28, 2003, well outside the appeal period. Consequently, we grant respondent's motion, and we dismiss this appeal.

It is so ORDERED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. Robert E. Gaston, District Judge, Family Court Division
Mark Spalenka
Webster & Associates
Clark County Clerk