

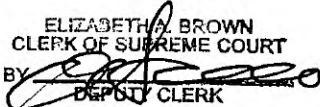
IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Appellant,
vs.
DANIEL L. SCHWARTZ, ESQ., AN
INDIVIDUAL,
Respondent.

No. 87670

FILED

DEC 14 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER PARTIALLY DISMISSING APPEAL AND DIRECTING
TRANSMISSION OF RECORD*

This is an appeal from an order denying a motion to vacate dismissal and for reconsideration, rehearing and notice, and an order denying a motion for a new trial under NRCP 60(b). Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

This court's review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the district court's order denying the motion to vacate dismissal and for reconsideration, rehearing, and notice issued on October 31, 2023, is not substantively appealable. See NRAP 3A(b). 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 Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984). No statute or court rule provides for an appeal from the challenged order

denying a motion to vacate dismissal and for reconsideration, rehearing, and notice.¹ *See Arnold v. Kip*, 123 Nev. 410, 168 P.3d 1050 (2007) (stating that an order denying reconsideration is not appealable). Accordingly, this appeal is dismissed as to that order.

However, the order denying the motion for a new trial under NRCP 60(b), issued October 31, 2023, appears to be appealable. An order denying NRCP 60(b) relief is generally appealable as a special order after final judgment. *See Holiday Inn Downtown v. Barnett*, 103 Nev. 60, 732 P.2d 1376 (1987). Additionally, NRAP 3A(b)(2) provides for an appeal from an order denying a motion for new trial. Accordingly, this appeal may proceed solely on the order denying motion for a new trial under NRCP 60(b).

Having reviewed the documents on file in this pro se appeal, this court concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. A-22-858580-C. *See* NRAP 11(a)(2) (providing that the complete “record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court,” as well as “any previously prepared transcripts of the

¹Insofar as this order could be construed as resolving a motion that tolled the time to file a notice of appeal from the final judgment entered July 13, 2023, the motion was not timely filed in the district court, *see* NRCP 50(b); NRCP 52; and NRCP 59 (all providing 28 days to file), and did not toll the time to file a notice of appeal from the final judgment. Additionally, appellant has already challenged the final judgment in his appeal docketed as Docket No. 87003, and he may not pursue two identical appeals.

proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.

Cadish , J.
Cadish

Pickering , J.
Pickering

Bell , J.
Bell

cc: Hon. Nadia Krall, District Judge
Matthew Travis Houston
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk