

IN THE SUPREME COURT OF THE STATE OF NEVADA

TAGGART PARRISH,
Appellant,
vs.
THE CITY OF SPARKS EX REL. THE
POLICE DEPARTMENT OF THE CITY
OF SPARKS, STATE OF NEVADA,
Respondent.

No. 45371

FILED

NOV 02 2005

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order dismissing a forfeiture proceeding. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

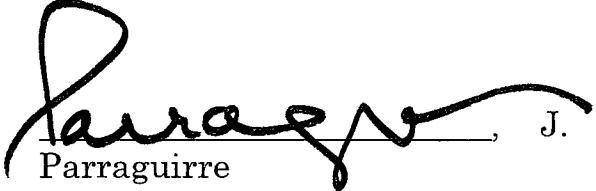
Appellant filed his notice of appeal in the district court on May 23, 2005. Before filing the notice of appeal, however, appellant had filed a timely motion to alter or amend the judgment under NRCP 59(e). Appellant's 59(e) motion was not resolved before he filed his notice of appeal. It appears that this motion remains pending in the district court. Under NRAP 4(a)(4), the timely filing of a NRCP 59(e) motion to alter or amend the judgment tolls the time for filing the notice of appeal, and a notice of appeal is of no effect if it is filed after such a tolling motion is filed, and before the district court enters a written order finally resolving the motion.¹

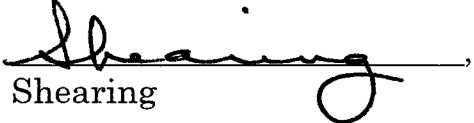
Appellant filed his notice of appeal before his tolling motion was resolved; therefore, his appeal was prematurely filed under NRAP 4(a)(4). As noted above, it appears that appellant's motion remains

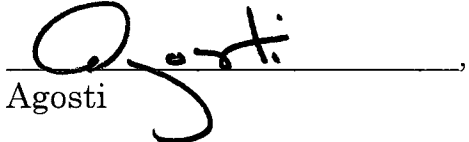
¹See NRAP 4(a)(4).

pending before the district court. Accordingly, as we lack jurisdiction over this appeal, we dismiss it.² Once the district court enters a written order resolving appellant's motion, appellant, if still aggrieved, may file a timely notice of appeal from the district court's order dismissing the forfeiture proceeding.³

It is so ORDERED.⁴


Parraguirre J.


Shearing Sr. J.


Agosti Sr. J.

cc: Hon. Connie J. Steinheimer, District Judge
Taggart Parrish
Sparks City Attorney
Washoe District Court Clerk

²See *id.*; see also *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987) (noting that a premature notice of appeal generally fails to vest jurisdiction in this court).

³NRAP 4(a)(4).

⁴In light of this order, we deny as moot all motions currently pending in this appeal. Additionally, as the district court entered an order granting appellant permission to proceed in forma pauperis on June 22, 2005, we waive the filing fee. The Honorable Miriam Shearing, Senior Justice, and the Honorable Deborah A. Agosti, Senior Justice, participated in the decision of this matter under a general order of assignment entered on July 14, 2005.