

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY ANDREE-JANSZ,  
Appellant,  
vs.  
LILY FU,  
Respondent.

No. 49702

**FILED**

OCT 12 2007

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a final judgment. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

The district court's judgment was entered on May 15, 2007, and written notice of the judgment's entry was served by mail on May 21, 2007. On May 18, 2007, respondent filed a timely motion to alter or amend the judgment. Before the motion was formally resolved, appellant filed the instant notice of appeal on June 21, 2007.

Appellant's motion was a timely motion to alter or amend the district court's judgment, pursuant to NRCP 59(e), and thus it tolled the time in which an appeal may be taken until after a written order resolving the tolling motion has been entered.<sup>1</sup> Here, no written order resolving the motion has been entered. We therefore conclude that the notice of appeal


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<sup>1</sup>NRAP 4(a)(4).

was premature and of no effect. Accordingly, as we lack jurisdiction over this appeal, we dismiss it.

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

cc: Honorable Timothy C. Williams, District Judge  
Tony Andree-Jansz  
Michael R. Pontoni  
Eighth District Court Clerk

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<sup>2</sup>Appellant's failure to file his civil proper person appeal statement constitutes an independent basis for dismissing this appeal.