

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ANTHONY JONES,
Appellant,
vs.
THE STATE OF NEVADA AND
WARDEN, NEVADA STATE PRISON,
E.K. MCDANIEL,
Respondents.

No. 53238

FILED

MAR 05 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

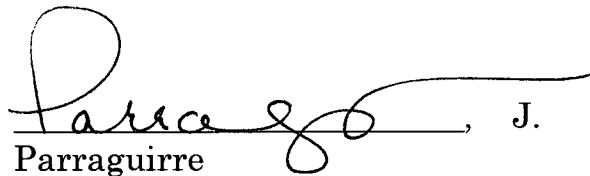
This is a proper person appeal from a jury verdict. First Judicial District Court, Carson City; James E. Wilson, Judge.

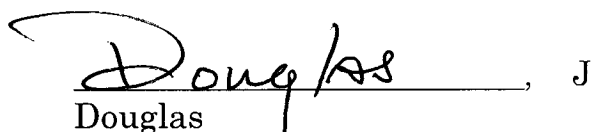
Appellant has filed a document entitled "Notice of Lack of Jurisdiction or, in the Alternative, Motion to Remand," in which he states that this appeal is premature because his motion for a new trial, which tolled the time to appeal, remains pending in the district court. The district court documents transmitted to this court pursuant to NRAP 3(e) confirm appellant's representations and indicate that, on the same date that notice of entry of the "judgment/jury verdict"¹ was filed, appellant filed a motion for new trial under NRCP 59(a). This motion tolled the time to appeal. NRAP 4(a)(4). We conclude that this appeal is properly dismissed for lack of jurisdiction. NRAP 4(a)(6). Appellant may file a new

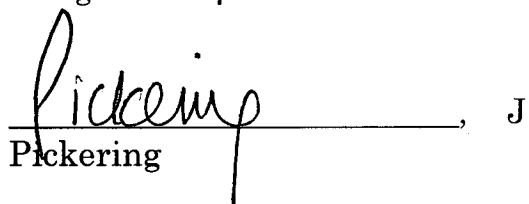
¹The district court docket entries transmitted to this court pursuant to NRAP 3(e) reflect the jury verdict, but no judgment entered on the verdict. It is thus not clear whether a final judgment has been entered. If judgment has not been entered on the jury verdict, then the appeal is premature for this reason, as well.

notice of appeal after his new trial motion is resolved. NRAP 4(a)(4).
Accordingly, we

ORDER this appeal DISMISSED.²

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. James E. Wilson, District Judge
Christopher Anthony Jones
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk

²In light of this order, we deny as moot any requests for relief in the proper person documents filed by appellant.