

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT L. BUTTERFIELD,
Appellant,
vs.
DAVID ROGER, DISTRICT
ATTORNEY; AND THE STATE OF
NEVADA,
Respondents.

No. 58953

FILED

SEP 05 2012

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


ORDER DISMISSING APPEAL


This is a proper person appeal from a district court order dismissing appellant's civil rights complaint. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

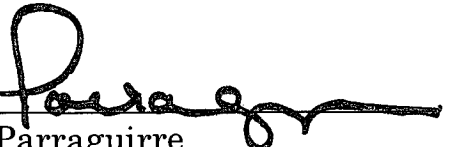
In the district court, appellant filed a timely motion to reconsider the district court's decision dismissing the complaint. This motion tolled the time to appeal. NRAP 4(a)(4); AA Primo Builders v. Washington, 126 Nev. ___, ___, 245 P.3d 1190, 1195 (2010) (holding that a motion for reconsideration will be given NRCP 59(e) status, with tolling effect, if it "is in writing, timely filed, states its grounds with particularity, and request[s] a substantive alteration of the judgment, not merely the correction of a clerical error, or relief of a type wholly collateral to the judgment") (internal quotations omitted). Because the motion has not been resolved by the district court, we conclude that appellant's notice of appeal is premature and we therefore lack jurisdiction. NRAP 4(a)(6).

Any aggrieved party may file a notice of appeal after the motion for reconsideration is resolved. NRAP 4(a)(4). Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Kenneth C. Cory, District Judge
Robert L. Butterfield
Clark County District Attorney/Civil Division
Eighth District Court Clerk