

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM MICHAEL HANRAHAN, JR.,
Appellant,
vs.
MICHELLE VELEZ,
Respondent.

No. 59111

FILED

APR 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angerson
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order concerning child custody. Eighth Judicial District Court, Family Court Division, Clark County; William B. Gonzalez, Judge.


When our review of the docketing statement and the NRAP 3(g) documents revealed a potential jurisdictional defect, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. Specifically, the notice of appeal appeared premature under NRAP 4(a) because it was filed after the timely filing of an August 8, 2011, tolling motion under NRAP 4(a)(4) and before the tolling motion was formally resolved. See AA Primo Builders v. Washington, 126 Nev. ___, 245 P.3d 1190 (2010) (providing that a timely filed motion for reconsideration may toll the time for filing a notice of appeal); NRAP 4(a)(6). Appellant timely responded to our show cause order, asserting that the parties had entered into a stipulation, which was approved by the district court, to vacate the hearing date at which the tolling motion was to be resolved.

Having considered appellant's response to our show cause order, we conclude that the notice of appeal is premature because the district court has not resolved the timely tolling motion. NRAP 4(a)(6).

An order vacating a hearing date does not formally determine the motion. Thus, jurisdiction has not been vested in this court. See id. Accordingly, we

ORDER this appeal DISMISSED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. William B. Gonzalez, District Judge, Family Court Division
Carolyn Worrell, Settlement Judge
Frank J. Toti
Pecos Law Group
Eighth District Court Clerk

¹In light of this order, we deny as moot all pending motions, and we direct the clerk of this court to return, unfiled, appellant's fast track statement provisionally received on January 24, 2012.