

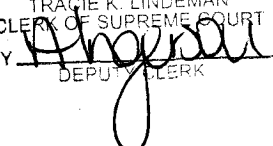
IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM H.A. PLUMMER, AN  
INDIVIDUAL,  
Appellant,  
vs.  
WILLIAM E. SMALES, INDIVIDUALLY  
AND DEANNE R. SMALES,  
INDIVIDUALLY,  
Respondents.

No. 63483

FILED

SEP 23 2013


TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL


This is a proper person appeal from a district court summary judgment in a deficiency action. Eighth Judicial District Court, Clark County; Allan R. Earl, Judge.

Our review of the record on appeal reveals a jurisdictional defect. Specifically, appellant filed a tolling motion in district court before filing his notice of appeal. *See AA Primo Builders, LLC v. Washington*, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 1190, 1192-93 (2010) (recognizing that any motion seeking a substantive alteration of a judgment tolls the time for appealing that judgment). As that motion has not been resolved by the district court, appellant's notice of appeal is premature, *see* NRAP 4(a)(6), and it fails to confer jurisdiction on this court. Accordingly, we order this appeal dismissed. Once a written order resolving the tolling motion is entered, any aggrieved party may appeal from that order. *See* NRAP 4(a)(4).

It is so ORDERED.

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

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Allan R. Earl, District Judge  
William H.A. Plummer  
Robert M. Apple  
Eighth District Court Clerk