

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ANGELO DRAKE,
Appellant,
vs.
CAROL NELSEN; PATRICIA REEVES;
ALICIA LERUD; AND PERSHING
COUNTY DISTRICT ATTORNEY
GENERAL,
Respondents.

No. 65984

FILED

AUG 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

Our review of the documents before us on appeal reveals a jurisdictional defect. Specifically, before filing his notice of appeal, appellant filed an NRCP 59(e) motion to alter or amend the judgment entered by the district court, which tolls the time for filing a notice of appeal. See NRAP 4(a)(4)(C); *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 both appellant and respondents effectively acknowledge, this motion has not yet been resolved by the district court. Thus, 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 the district court resolves the NRCP 59(e) motion, appellant, if still aggrieved following the resolution of that motion, may then appeal to this court. In light of this determination, we deny all

requests for relief pending in this appeal as moot and we return, unfiled, the civil proper person appeal statement provisionally received in this court on July 11, 2014.

It is so ORDERED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Richard Wagner, District Judge
Michael Angelo Drake
Pershing County District Attorney
Pershing County Clerk