

ORDER vacated per order entered on 6/23/16.

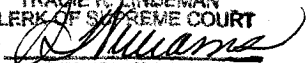
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KATHY CARLENE STEELE,
Appellant,
vs.
U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE SUCCESSOR IN
INTEREST TO BANK OF AMERICA,
NATIONAL ASSOCIATION AS
TRUSTEE AS SUCCESSOR BY
MERGER TO LASALLE BANK
NATIONAL ASSOCIATION AS
TRUSTEE FOR EMC MORTGAGE
LOAN TRUST 2005-A, MORTGAGE
LOAN PASS-THROUGH
CERTIFICATES, SERIES 2005-A,
Respondent.

No. 68787

FILED

MAR 17 2016

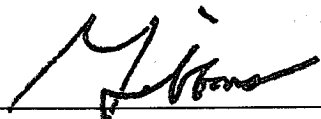
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER DISMISSING APPEAL

This is an appeal from various district court orders in a wrongful foreclosure action. Our preliminary review of appellant's civil appeal statement and the documents transmitted with the notice of appeal reveals a jurisdictional defect. Prior to the instant appeal, appellant had filed another appeal regarding the same district court case which this court dismissed because a motion for reconsideration remained pending below such that jurisdiction remained with the district court. *See Steele v. U.S. Bank*, Docket No. 67241 (App. Ct. Order Dismissing Appeal, July 20, 2015); *see also* NRAP 4(a)(4) (listing those motions which toll the time to file a notice of appeal); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (recognizing that a timely-filed post judgment motion for reconsideration that seeks a substantive change to the challenged order qualifies as a tolling motion under NRCP 59 and NRAP 4(a)(4)).

After the dismissal of the prior appeal, but before remittitur had issued, the district court entered its order regarding the motion for reconsideration. Because this order was entered before remittitur was issued, the order is of no effect as the district court lacked jurisdiction to enter it. See *Buffington v. State*, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (providing that “[j]urisdiction in an appeal is vested solely in the [appellate] court until the remittitur issues to the district court” and further noting that “[a]ny other construction would allow a district judge to enter orders and judgments while the judgment of [the appellate] court is still subject to revision or rehearing”). Because the order on the reconsideration motion is of no effect, the reconsideration motion remains pending below such that this court lacks jurisdiction to consider this appeal. See *Steele*, Docket No. 67241. Therefore, we dismiss the appeal.¹

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

¹Once the district court has received the remittitur from the dismissal of this appeal, it may reenter the reconsideration order and any other orders that were entered before remittitur issued in the prior appeal. Thereafter, if appellant is aggrieved by those orders, she may file a new notice of appeal.

²Because we dismiss for a lack of jurisdiction, we decline to grant appellant any of the relief requested in the additional motions and notices she filed in this appeal.

cc: Hon. Janet J. Berry, District Judge
Kathy Carlene Steele
Holland & Hart LLP/Las Vegas
Washoe District Court Clerk