

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY E. MCKINLEY,
Appellant,

vs.

MEGAN MCCLELLAN; ROBERT
LEGRAND, WARDEN; S.L. FOSTER;
RICHARD MAIN; LEANNE
RUTHERFORD; STARLIN GENTRY; J.
HILDERBRAND; QUENTIN BYRNE; S.
BAROS; CATHERINE CORTEZ MASTO;
AND BENJAMIN JOHNSON,
Respondents.

No. 71866

FILED

DEC 16 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order on a complaint for damages. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) reveals a potential jurisdictional defect. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was prematurely filed, before the entry of a final written judgment, and is therefore of no effect. See NRAP 4(a)(1); *Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987). An oral pronouncement of judgment is not valid for any purpose, and only a written judgment has any effect and may be appealed. Prior to the entry of a written order, the district court remains free to reconsider and issue a written judgment different from its oral pronouncement. *Id.* at 688, 747 P.2d 1382; see also *Rae v. All*

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American Life & Cas. Co., 95 Nev. 920, 605 P.2d 196 (1979). We conclude that we lack jurisdiction over this appeal, and we

ORDER this appeal DISMISSED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Jim C. Shirley, District Judge
Gary E. McKinley
Attorney General/Carson City
Pershing County Clerk