IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY E. MCKINLEY.

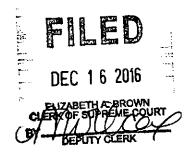
Appellant,

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



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

Cherry

Dayles

Douglas

Gibbons

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