

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERVIN MIDDLETON,
Appellant,
vs.
MERCHANTS BONDING COMPANY,
Respondent.

No. 72509

FILED

MAR 27 2017

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

ORDER DISMISSING APPEAL

This is a pro se appeal from a minute order entered on the "25th day of January 2016 [sic]."¹ Eighth Judicial District Court, Clark County; Rob Bare, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals two jurisdictional defects. First, 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). A district court's minute order is ineffective for any purpose and cannot be appealed, and a written order or judgment must be filed before a district court ruling can be appealed. *Rust*, at 689, 747 P.2d at 1382.

¹It appears the reference in the notice of appeal to the year 2016 is a typographical error; the district court minutes do not include any order entered January 25, 2016, but do include an order granting respondent's motion for summary judgment and denying appellant's countermotion for summary judgment on January 25, 2017.

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Finally, it appears that the grant of summary judgment on January 25, 2017, does not finally resolve all claims of all parties in the action. See *Lee v. GNLV Corp.*, 116 Nev. 424, 996 P.2d 416 (2000); *KDI Sylvan Pools v. Workman*, 107 Nev. 340, 810 P.2d 1217 (1991); *Rae v. All American Life & Cas. Co.*, 95 Nev. 920, 605 P.2d 196 (1979). Claims by and against additional parties remain pending below, and a trial date has been set for July 31, 2017. Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Rob Bare, District Judge
Ervin Middleton
The Faux Law Group
Eighth District Court Clerk