

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 77489

FILED

DEC 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

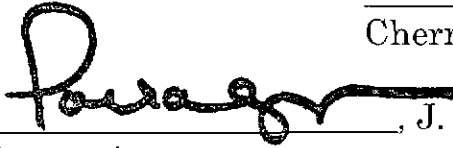
This is an appeal from a district court order granting a motion to dismiss a complaint. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

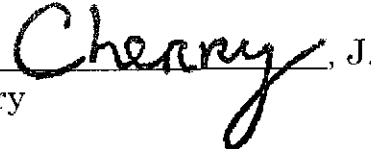
Our review of the notice of appeal and other documents before this court reveals a jurisdictional defect. It appears that the notice of appeal was filed in the district court after the filing of a timely tolling motion for reconsideration,¹ *see* NRAP 4(a)(4); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (holding that a post-judgment motion for reconsideration that is timely filed, in writing, specifically states its grounds, and asks for a substantive change to the judgment may be afforded NRCP 59(e) status and tolling effect under NRAP 4(a)(4)(C)), but before entry of a written order resolving that motion, rendering the notice of appeal premature. *See* NRAP 4(a)(6). It further appears that no formal,

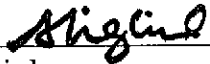
¹Appellant's motion is titled "Objection to Findings of Fact, Conclusions of Law & Order of Dismissal Filed 10-8-2018 & Notice of Appeal."

written order resolving the tolling motion has been entered. Accordingly, it appears that we lack jurisdiction and we

ORDER this appeal DISMISSED.²


_____, J.
Parraguirre


_____, J.
Cherry


_____, J.
Stiglich

cc: Hon. Adriana Escobar, District Judge
John Elvin Turner
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

²Appellant may file a new notice of appeal once the district court enters a written order resolving the motion.