

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBERT ROY HOLMES,
Appellant,
vs.
MARSHA KIMBLE-SIMMS,
Respondent.

No. 77770

FILED

MAR 22 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK


ORDER DISMISSING APPEAL

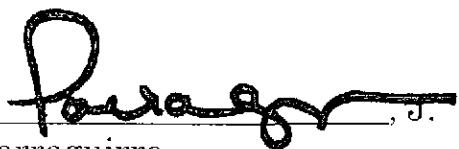
This is a pro se appeal from a district court order dismissing appellant's complaint. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.


Our review of the documents before this court reveals a jurisdictional defect. Specifically, appellant filed a tolling motion in district court before filing his notice of appeal. See *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 584-85, 245 P.3d 1190, 1192-93 (2010). As that motion has not been resolved by the district court, appellant's notice of appeal is premature, and it fails to confer jurisdiction on this court. See NRAP 4(a)(6); *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (explaining that the district court's oral pronouncement from the bench, the clerk's minute order, and even an unfiled written order cannot be appealed). Accordingly, we order this appeal dismissed. Once a

written order resolving the tolling motion is entered, any aggrieved party may file a timely notice of appeal. See NRAP 4(a)(4).

It is so ORDERED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Wilbert Roy Holmes
The Simms Law Firm
Eighth District Court Clerk