

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BAYARDO RENO SANDY,
Appellant,
vs.
SELECT PORTFOLIO SERVICING,
INC.; THE BANK OF NEW YORK
MELLON, F/K/A THE BANK OF NEW
YORK, AS TRUSTEE, ON BEHALF OF
THE HOLDERS OF THE
ALTERNATIVE LOAN TRUST 2007-
HY2 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HY2
(ERRONEOUSLY PLEAD AS "BNY
MELLON" AND "HOLDERS OF
ALTERNATIVE TRUST 2007-HY2");
AND WRIGHT, FINLEY & ZAK, LLP,
Respondents.

No. 70769

FILED

AUG 19 2016

TRACEE K. ENDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is a pro se appeal from an order denying a petition for judicial review of a foreclosure mediation.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

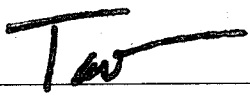
Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the notice of appeal was filed after the timely filing of a tolling motion for reconsideration under NRAP 4(a)(4) and before the tolling motion was formally resolved. A timely tolling motion terminates the thirty-day

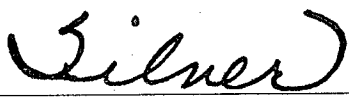
¹We vacate our August 18, 2016, order dismissing appeal and issue this amended order in its place.

appeal period, and a notice of appeal is of no effect if it is filed after such a tolling motion is filed, and before the district court enters a written order finally resolving the motion. See NRAP 4(a)(6). Accordingly, we conclude that we lack jurisdiction, and we

ORDER this appeal DISMISSED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

²We deny as moot appellant's "Motion to Exceed the Page Limit for Emergency Motion for a Temporary Restraining Order, Preliminary Injunction, and Stay." We direct the clerk of this court to return the "Emergency Motion for a Temporary Restraining Order, Preliminary Injunction, and Stay" to appellant, unfiled. Nonetheless, given that appellant's timely motion for reconsideration appears to have been improperly ordered off calendar on jurisdictional grounds by the district court on July 21, 2016, *see AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (recognizing that a timely filed motion for reconsideration tolls the time for taking an appeal); NRAP 4(a)(6) (providing that "[a] premature notice of appeal does not divest the district court of jurisdiction"), we urge the district court to promptly resolve appellant's motion for reconsideration so as to provide appellant the opportunity to appeal the denial of his petition for judicial review prior to the foreclosure sale of the subject property.

cc: Hon. Kathleen E. Delaney, District Judge
Bayardo Reno Sandy
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk