

IN THE SUPREME COURT OF THE STATE OF NEVADA

WENDELL DWAYNE O'NEAL,  
Appellant,

vs.

ROAD RUNNER RENTALS, INC.;  
FIRST NAME BOAZ (JAMIE SANTOS);  
ROAD RUNNER AUTO GROUP, INC.;  
CAROL MILLAUD; MATTHEW WOLF;  
EMPIRE FIRE & MARINE  
INSURANCE CO., INC.; AND JAMIE  
SANTOS,

Respondents.

No. 72791

**FILED**

APR 21 2017

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

*ORDER DISMISSING APPEAL*

This is a pro se appeal from an order granting a motion for summary judgment and deferring a decision on respondents' motion to designate appellant a vexatious litigant. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals two jurisdictional defects. 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).

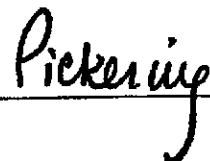
In addition, the notice of appeal was filed after the timely filing of a tolling motion under NRAP 4(a)(2) and before the tolling motion has been formally resolved. The district court minutes reflect that a hearing on appellant's motion for reconsideration is set for May 10, 2017. A timely tolling motion terminates the thirty-day 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)(2).

Accordingly, we conclude that we lack jurisdiction, and we  
ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Jennifer P. Togliatti, District Judge  
Wendell Dwayne O'Neal  
Cisneros & Marias  
Eighth District Court Clerk