


IN THE SUPREME COURT OF THE STATE OF NEVADA

MARVIN CARRERA,
Appellant,
vs.
CLAUDIA MONTES,
Respondent.

No. 80029

FILED

DEC 23 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order regarding a motion to modify custody of a minor child. Eighth Judicial District Court, Clark County; Rhonda Kay Forsberg, Judge.

Review of the notice of appeal and other documents before this court reveals a jurisdictional defect. Specifically, it appears the notice of appeal was prematurely filed after the timely filing of a tolling motion for reconsideration and before the motion has been formally resolved. *See* NRAP 4(a)(4); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (describing when a motion for reconsideration may be construed as a tolling motion). In Docket No. 79571, this court dismissed an appeal from the same order on the ground that a timely tolling motion had been filed challenging the underlying judgment. Although it appears that the district court orally denied the motion for reconsideration on November 7, 2019, this oral order is not effective. *See State, Div. of Child and Family Serv's v. Eighth Judicial Dist. Court*, 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004) (“[D]ispositional court orders that are not administrative in nature, but deal with the procedural posture or merits of the underlying

controversy, must be written, signed, and filed before they become effective"). To date, it does not appear that the district court has entered a written order formally resolving the motion. Accordingly, it appears that this court lacks jurisdiction and this court

ORDERS this appeal DISMISSED.¹

Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Rhonda Kay Forsberg, District Judge
Marvin Carrera
Claudia Montes
Eighth District Court Clerk

¹Any aggrieved party may file a new notice of appeal once the district court enters a written order resolving the tolling motion.

Given this order, no action will be taken on appellant's motion for stay pending appeal.