

IN THE SUPREME COURT OF THE STATE OF NEVADA

NOEL C. NELSON, A/K/A NOEL C.  
DELGADO,  
Appellant,  
vs.  
MICHAEL L. NELSON,  
Respondent.

No. 85925

**FILED**

FEB 03 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a postjudgment order adjudicating property rights pursuant to a divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Mary D. Perry, Judge.

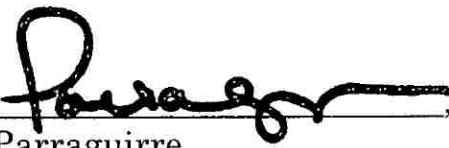
Review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, it appears that the notice of appeal was filed after the timely filing of a tolling motion for reconsideration under NRAP 4(a)(4) and before the tolling motion has been formally resolved. *See AA Primo Builders v. Washington*, 126 Nev. 578, 245 P.3d 1190 (2010) (a motion for reconsideration can be considered a tolling motion to alter or amend); and *Lytle v. Rosemere Estates Prop. Owners*, 129 Nev. 923, 314 P.3d 946 (2013) (tolling motions directed at an appealable post-judgment order also toll the period to appeal from that order). A timely tolling motion terminates the 30-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)(4)*. According to the district court docket entries, the court has set an

evidentiary hearing on the motion for July 13, 2023. This court lacks jurisdiction and

ORDERS this appeal DISMISSED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Herndon

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Mary D. Perry, District Judge, Family Court Division  
Noel C. Nelson  
Michael J. Warhola, LLC  
Eighth District Court Clerk

---

<sup>1</sup>Respondent's motion to dismiss the appeal is denied as moot.