

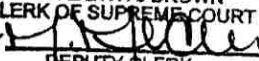
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAMIAN MICHAEL GONZALES, A/K/A
DAMIAN MICHAEL GONZALEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87101-COA

FILED

MAY 28 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DISMISSING APPEAL

Damian Michael Gonzales appeals from an August 8, 2023, district court order denying a motion to correct illegal sentence. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Gonzales filed his motion on April 18, 2023, and the district court entered a written order denying the motion on May 19, 2023. Gonzales filed a notice of appeal from this order on May 30, 2023, and it is currently pending before this court in *Gonzales v. State*, Docket No. 86683-COA. The district court entered an amended order on August 8, 2023.

The district court was without jurisdiction to issue its August 8, 2023, order because the subject of that order was on appeal before this court and the remittitur had not yet issued. *See Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006) (stating “when an appeal is perfected, the district court is divested of jurisdiction to revisit issues that are pending before this court”); *Buffington v. State*, 110 Nev. 124, 126, 868 P.2d 643, 64 (1994) (stating the district court “lacks jurisdiction over a case

until the remittitur is issued"). Therefore, the August 8, 2023, order is void. Because Gonzales has failed to identify an appealable order, this court lacks jurisdiction to consider this appeal. Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Joseph Hardy, Jr., District Judge
Damian Michael Gonzales
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk