

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL L. WILLIAMS,
Appellant,

vs.

INVESTIGATING OFFICER DAVIS;
CORRECTIONAL OFFICER HENDLEY;
ROBERT PIERCE, SENIOR
CORRECTIONAL OFFICER; D. HEIDT,
SERGEANT CORRECTIONAL
OFFICER; T. HOOPER, ASSOCIATE
WARDEN OF OPERATIONS; ROBERT
HILDRETH, WARDEN; AND JACKIE
CRAWFORD, DIRECTOR,
Respondents.

No. 42040

FILED

OCT 23 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This proper person appeal is taken from a district court minute order that denied a motion for a temporary restraining order. Our review of the documents transmitted under NRAP 3(e) reveals two jurisdictional defects. First, no appeal may be taken from a minute order. Only a formal written order may be appealed, and a notice of appeal is ineffective if filed after the court's oral pronouncement of a decision but before written judgment is entered.¹ As we noted in Rust v. Clark County School District,² "[p]rior to the entry of a final judgment the district court remains free to reconsider and issue a written judgment different from its oral pronouncement." As appellant's notice of appeal was filed before the

¹NRAP 4(a)(1).

²103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

district court entered a formal written order, it is premature and ineffective.

Additionally, the district court's order does not appear substantively appealable. Under NRAP 3A(b)(2), an appeal may be taken from an order granting or denying an injunction. An order denying a temporary restraining order, however, is not appealable unless it amounts to the denial of an injunction.³ In this case, the district court's minute order specifically schedules a future hearing on appellant's motion for a preliminary injunction. Consequently, the order is not substantially appealable. As we lack jurisdiction to consider this appeal, we dismiss it.

It is so ORDERED.

Becker J.
Becker

Shearing J.
Shearing

Gibbons J.
Gibbons

cc: Hon. Ronald D. Parraguirre, District Judge
Michael L. Williams
Attorney General Brian Sandoval/Carson City
Clark County Clerk

³Sugarman Co. v. Morse Bros., 50 Nev. 191, 198-99, 255 P. 1010, 1012 (1927).