

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC ZESSMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42105

FILED

OCT 29 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 September 9, 2003 minute order granting Acme Bail Bond's motion for summary judgment and request for attorney fees. Our review of the documents transmitted under NRAP 3(e) reveals a jurisdiction defect. 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 district court entered a

¹NRAP 4(a)(1).

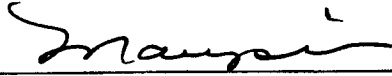
²103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987).

formal written order, it is ineffective and fails to vest jurisdiction in this court. We therefore dismiss this appeal for lack of jurisdiction.

It is so ORDERED.³


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Hon. Jackie Glass, District Judge
Eric Zessman
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³We note that appellant's failure to pay the filing fee could constitute an independent basis on which to dismiss this appeal. Although appellant asserts that he was granted in forma pauperis status by the district court, the limited documents before us do not demonstrate this status. We need not investigate further, however, as we are dismissing this appeal for lack of jurisdiction.