

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELTON L. MATTHEWS, JR.,
Appellant,
vs.
THE STATE OF NEVADA; CLARK
COUNTY DETENTION CENTER; AND
JOHN PAGLINI,
Respondents.

No. 42172

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 September 29, 2003 minute order granting defendants' motions to dismiss. 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


¹NRAP 4(a)(1).


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

district court entered a 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.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. Ronald D. Parraguirre, District Judge
Felton L. Matthews Jr.
Alverson Taylor Mortensen Nelson & Sanders
Clark County District Attorney David J. Roger/Civil Division
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Clark County Clerk