

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57285

**FILED**

AUG 22 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Imerson*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court dismissal in a civil rights action.<sup>1</sup> Second Judicial District Court, Washoe County; Robert H. Perry, Judge.

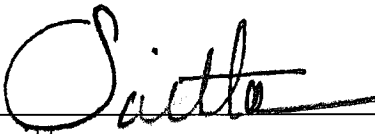
After the district court's judgment was entered, but before filing the notice of appeal, appellant filed a timely motion to vacate the judgment of dismissal pursuant to NRCP 59. This motion tolled the time to appeal. NRAP 4(a)(4). Because the motion has not been resolved by the district court, we conclude that appellant's notice of appeal is premature and we therefore lack jurisdiction. NRAP 4(a)(6). Any aggrieved party


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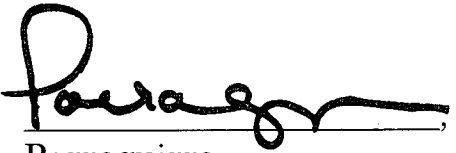
<sup>1</sup>Although plaintiff labeled his initiating pleading in the district court a "Petition for Return of Personal Property," his petition was essentially a civil rights complaint, as it alleged a constitutionally improper seizure of property.

may file a notice of appeal after the NRCP 59 motion is resolved. NRAP 4(a)(4). Accordingly, we

ORDER this appeal DISMISSED.

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Hon. Robert H. Perry, District Judge  
Steven Floyd Voss  
Washoe County District Attorney/Civil Division  
Washoe District Court Clerk