

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY K. ANDERSON,  
Appellant,

vs.

THE STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS;  
JAMES G. COX, DIRECTOR; BRIAN  
WILLIAMS, SR., WARDEN; ASST.  
WARDEN ADAYS; R. BANNISTER,  
DIRECTOR; AND D. W. NEVEN,  
WARDEN,

Respondents.

No. 75193

**FILED**

MAR 06 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

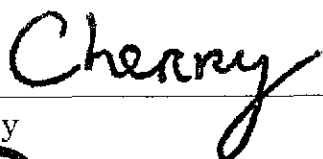
This is a pro se appeal from an order dismissing appellant's complaint with leave to amend. Eighth Judicial District Court, Clark County; Mark B. Bailus, Judge.

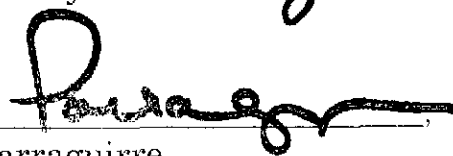
Our review of the documents submitted to this court pursuant to NRAP 3(g) reveals jurisdictional defects. Specifically, the notice of appeal appears to be untimely filed under NRAP 4(a) because it appears that it was prematurely filed, before the entry of a final written judgment, and is therefore of no effect. *See* NRAP 4(a)(1). The district court minutes indicate that the court orally dismissed appellant's complaint on January 17, 2018; however, no written order has been entered. *See Rust v. Clark Cty. School District*, 103 Nev. 686, 747 P.2d 1380 (1987) (explaining that the district court's oral pronouncement from the bench, the clerk's minute order, and even an unfiled written order cannot be appealed).


Moreover, the district court expressly granted appellant leave to amend the complaint. An order dismissing an action without prejudice is not a final appealable judgment. *See Bergenfield v. BAC Home Loans*

*Servicing*, 131 Nev. Adv. Op. 68, 354 P.3d 1282 (2015). Accordingly, appellant still has an opportunity to make a showing of a viable claim for relief. We conclude that we lack jurisdiction over this appeal and we

ORDER this appeal DISMISSED.

 J.  
Cherry

 J.  
Parraguirre

 J.  
Stiglich

cc: Hon. Mark B. Bailus, District Judge  
Anthony K. Anderson  
Attorney General/Carson City  
Eighth District Court Clerk